

To: windsor.richard@epa.gov[]
From: CN=Scott Fulton/OU=DC/O=USEPA/C=US
Sent: Tue 8/11/2009 2:40:45 AM
Subject: Starfield

Hi! Hope your trip went well. FYI, I spoke with Starfield on the QT about

Deliberative

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To: "Lisa Jackson" [windsor.richard@epa.gov]
From: CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US
Sent: Thur 8/13/2009 2:07:17 PM
Subject: LG&E outreach

The Sierra Club is the only national environmental group involved with this petition. David Bookbinder is the appropriate contact there. I believe he is on vacation for several weeks. An alternative contact is you cannot reach David is Bruce Nilles.

To: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]
Cc: []
From: CN=Bob Sussman/OU=DC/O=USEPA/C=US
Sent: Wed 8/12/2009 9:18:17 PM
Subject: IRIS --Something to Feel Good About!

Robert M. Sussman
Senior Policy Counsel to the Administrator
Office of the Administrator
US Environmental Protection Agency
----- Forwarded by Bob Sussman/DC/USEPA/US on 08/12/2009 05:16 PM -----

From: Peter Preuss/DC/USEPA/US
To: Bob Sussman/DC/USEPA/US@EPA
Cc: Kevin Teichman/DC/USEPA/US@EPA
Date: 08/12/2009 03:56 PM
Subject: Interagency meeting #4

Bob,

Yesterday we held the fourth interagency meeting to review IRIS chemicals. Representatives from a number of agencies participated, DOD was particularly well represented. The three chemicals discussed were all at step 3 of the new IRIS process, i.e., before public comment and peer review, and all had been discussed previously under the previous process. The meeting was cordial and productive, and because most issues had been discussed previously and changes made to the document, the meeting lasted for less than an hour.

Unfortunately, OMB was not able to be present for the meeting, so Dom Mancini asked to meet with us today, separately. We, of course, agreed, and just finished a very cordial and productive meeting with him as the sole representative of OMB.

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We are currently making preparations for the next few rounds of interagency meetings, and hope to be able to soon move a significant number of chemicals to peer review and completion. (significant means more than the four previous years combined)

Peter

Peter W. Preuss, PhD
Director
National Center for Environmental Assessment (8601P)
Office of Research and Development
U.S. EPA
703-347-8600
e-mail: preuss.peter@epa.gov

To: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA;CN=Bob Sussman/OU=DC/O=USEPA/C=US@EPA[]; N=Bob Sussman/OU=DC/O=USEPA/C=US@EPA[]
Cc: CN=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Peter Silva/OU=DC/O=USEPA/C=US@EPA;CN=Seth Oster/OU=DC/O=USEPA/C=US@EPA[]; N=Peter Silva/OU=DC/O=USEPA/C=US@EPA;CN=Seth Oster/OU=DC/O=USEPA/C=US@EPA[]; N=Seth Oster/OU=DC/O=USEPA/C=US@EPA[]
From: CN=Arvin Ganesan/OU=DC/O=USEPA/C=US
Sent: Wed 8/12/2009 3:04:18 AM
Subject: Re: Peg Fork Permit -- Enviro Press Release

I'll get her on your call list with a contact number tomorrow.

Sent from my Blackberry Wireless Device

----- Original Message -----

From: Richard Windsor
Sent: 08/11/2009 11:01 PM EDT
To: Bob Sussman
Cc: Diane Thompson; Peter Silva; Seth Oster; Arvin Ganesan
Subject: Re: Peg Fork Permit -- Enviro Press Release

Deliberative

----- Original Message -----

From: Bob Sussman
Sent: 08/11/2009 02:07 PM EDT
To: Richard Windsor
Cc: Diane Thompson; Peter Silva; Seth Oster; Arvin Ganesan
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Decision opens the door for more destruction in Appalachia

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County, West Virginia. This controversial decision marks the first time during the Obama administration that the Army Corps approved a mine permit to which the U.S. Environmental Protection Agency (EPA) had previously objected, opening the door for many new mountaintop removal coal mines in Appalachia. The decision to allow this operation to proceed also demonstrates the Department of Interior's lack of will to enforce the clear mandates of a critical Surface Mining Act regulation.

"We are disappointed that the administration has approved a new mountaintop removal mine without making any commitment to adopt new regulations or policies that would end this destructive practice," said Ed Hopkins, Director of Sierra Club's Environmental Quality Program. "While we appreciate that the Obama administration is taking a harder look at mountaintop removal coal mining, unless that results in decisions that end the irreversible destruction of streams, the harder look isn't going to do the job."

"We are not willing to sacrifice our homes to the potential of flooding from a mountaintop removal coal mine," said Mingo County resident Wilma Steele. "The Army Corps should protect our homes from being washed away."

The permit would violate the Surface Mining Act as well as the Clean Water Act. This mining operation would be impermissible under the Surface Mining Act's buffer zone rule, which protects intermittent and perennial streams. The Department of Interior, therefore, has the duty to use the buffer zone rule to prevent giant stream destruction projects like those at the Peg Fork mine from going forward.

"The Department of Interior's continuing failure to force the mining industry to comply with the buffer zone rule is a reminder that it is business as usual at Interior," said Joe Lovett, of the Appalachian Center for the Economy and the Environment. Lovett called for Secretary Ken Salazar to "reverse the Bush Administration's refusal to enforce the Surface Mining Act and to protect our irreplaceable streams."

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The Peg Fork permit decision comes just as the EPA begins the process of reviewing more than 80 applications for Clean Water Act permits for mountaintop removal mining under the coordinated review process announced by the Obama administration in June. Mining companies have already buried close to 2,000 miles of Appalachian streams beneath piles of toxic waste and debris. Entire communities have been permanently displaced by mines the size of Manhattan.

"The Obama administration needs to commit to ending the devastation caused to our communities by mountaintop removal. The time to make that commitment is now," said Judy Bonds of Coal River Mountain Watch. "We can not live through another generation of permits that will bury hundreds more miles of streams and blast apart our mountains."

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Cc: CN=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Peter Silva/OU=DC/O=USEPA/C=US@EPA;CN=Seth Oster/OU=DC/O=USEPA/C=US@EPA;CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA[]; N=Peter Silva/OU=DC/O=USEPA/C=US@EPA;CN=Seth Oster/OU=DC/O=USEPA/C=US@EPA;CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA[]; N=Seth Oster/OU=DC/O=USEPA/C=US@EPA;CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA[]; N=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA[]
From: CN=Bob Sussman/OU=DC/O=USEPA/C=US
Sent: Tue 8/11/2009 6:07:44 PM
Subject: Peg Fork Permit -- Enviro Press Release

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###

To: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]
Cc: []
From: CN=Arvin Ganesan/OU=DC/O=USEPA/C=US
Sent: Wed 8/12/2009 12:37:24 PM
Subject: Re: Peg Fork Permit -- Enviro Press Release

Turns out today is going to be Jo-Ellen's first day. She doesn't have a line or a secretary yet!

I'll get back to you once she has an operable phone.

ARVIN R. GANESAN
Deputy Associate Administrator
Congressional Affairs
Office of the Administrator
United States Environmental Protection Agency
Ganesan.Arvin@epa.gov
(p) 202.564.5200
(f) 202.501.1519

From: Richard Windsor/DC/USEPA/US
To: Bob Sussman/DC/USEPA/US@EPA
Cc: Diane Thompson/DC/USEPA/US@EPA, Peter Silva/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA
Date: 08/11/2009 11:01 PM
Subject: Re: Peg Fork Permit -- Enviro Press Release

Deliberative

----- Original Message -----

From: Bob Sussman
Sent: 08/11/2009 02:07 PM EDT
To: Richard Windsor
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###

To: "Lisa Jackson" [windsor.richard@epa.gov]
From: CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US
Sent: Fri 8/14/2009 12:03:39 AM
Subject: 8:45 tomorrow

I'm going to miss tomorrow's 8:45 because I somehow
Nothing serious. See you tomorrow.

Personal Privacy

To: CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=Steve Owens/OU=DC/O=USEPA/C=US@EPA;CN=Wendy Cleland-Hamnett/OU=DC/O=USEPA/C=US@EPA;CN=Jim Jones/OU=DC/O=USEPA/C=US@EPA[]; N=Steve Owens/OU=DC/O=USEPA/C=US@EPA;CN=Wendy Cleland-Hamnett/OU=DC/O=USEPA/C=US@EPA;CN=Jim Jones/OU=DC/O=USEPA/C=US@EPA[]; N=Wendy Cleland-Hamnett/OU=DC/O=USEPA/C=US@EPA;CN=Jim Jones/OU=DC/O=USEPA/C=US@EPA[]; N=Jim Jones/OU=DC/O=USEPA/C=US@EPA[]
Cc: []
Bcc: CN=Richard Windsor/OU=DC/O=USEPA/C=US[]
From: CN=Bob Sussman/OU=DC/O=USEPA/C=US
Sent: Fri 8/14/2009 12:17:56 AM
Subject: Next Steps on TSCA Principles

In discussions with John Carson and Nancy Sutley after our PCB meeting, we agreed that we would initiate the OMB review process for the TSCA principles by next Wednesday, allowing a week for comments to come back from the WH offices and agencies. We'll need a very short non-descript cover memo explaining what the principles are, along with a short (equally non-descript) draft transmittal letter to the Hill. OPPTS should work with CEQ and OMB to put this package together and set the process in motion.

As early as possible next week, we should be reaching out to agencies who may be interested in the principles -- DOE, DOD, Commerce, HHS and SBA for starters -- to provide a heads up and any further explanation desired. OPPTS should handle this outreach, which we should make at the career level plus any political contacts CEQ suggests. (Arvin -- were you going to contact CEQ for the political-level contacts?)

As you know, Jon made clear that this is the last EOP meeting before the principles are finalized and that WH offices with significant comments should contact CEQ off-line.

Deliberative

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Thanks for a great job today, Wendy.

Robert M. Sussman
Senior Policy Counsel to the Administrator
Office of the Administrator
US Environmental Protection Agency

To: "Windsor, Richard" [Windsor.richard@epa.gov]
Cc: "Oster, Seth" [oster.seth@epa.gov]; McIntosh, David" [mcintosh.david@epa.gov];
Heinzerling, Lisa" [Heinzerling.Lisa@epamail.epa.gov]; N=Arvin
Ganesan/OU=DC/O=USEPA/C=US@EPA[]
From: CN=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US
Sent: Thur 8/13/2009 5:44:38 PM
Subject: Fw: STATEMENT FROM VICE PRESIDENT BIDEN ON LAUNCH OF \$2.3 BILLION
RECOVERY ACT GREEN MANUFACTURER TAX CREDIT PROGRAM

MABL.

M. Allyn Brooks-LaSure
Office of the Administrator
U.S. Environmental Protection Agency
Cell: Personal Privacy

From: "White House Press Office" [whitehouse-lists-noreply@list.whitehouse.gov]
Sent: 08/13/2009 01:40 PM AST
To: Allyn Brooks-LaSure
Subject: STATEMENT FROM VICE PRESIDENT BIDEN ON LAUNCH OF \$2.3 BILLION RECOVERY ACT GREEN
MANUFACTURER TAX CREDIT PROGRAM

THE WHITE HOUSE

Office of the Vice President

For Immediate Release

August 13, 2009

STATEMENT FROM VICE PRESIDENT BIDEN ON LAUNCH OF \$2.3 BILLION RECOVERY ACT GREEN
MANUFACTURER TAX CREDIT PROGRAM

"It's not enough to just rescue the economy, we have to rebuild it better – and that work begins with giving American manufacturers the resources to produce the clean, green energy technology that will be the foundation of our 21st century economy. With the launch today of \$2.3 billion in Recovery Act tax credits for green manufacturers, we are going to ramp up manufacturing of green energy materials in this

country, while creating thousands of new jobs right here in our own backyard. From wind and solar power to electric vehicle technology, our recovery is going to be fueled by the Recovery Act incentives we are offering businesses today that will be the engine of our economy tomorrow.”

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To: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]
From: CN=Bob Sussman/OU=DC/O=USEPA/C=US
Sent: Fri 8/14/2009 3:59:37 PM
Subject: Re: Next Steps on TSCA Principles

Deliberative

----- Original Message -----

From: Richard Windsor
Sent: 08/14/2009 08:17 AM EDT
To: Bob Sussman
Subject: Re: Next Steps on TSCA Principles

Deliberative

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From: CN=Scott Fulton/OU=DC/O=USEPA/C=US
Sent: Fri 8/14/2009 3:43:48 PM
Subject: Re: Question re Construction ELGs

Deliberative

From: Bob Sussman/DC/USEPA/US
To: Peter Silva/DC/USEPA/US@EPA, Richard Windsor/DC/USEPA/US@EPA
Cc: Scott Fulton/DC/USEPA/US@EPA, "Lisa Heinzerling" <heinzerling.lisa@epa.gov>, "Bob Sussman" <Sussman.bob@epa.gov>
Date: 08/14/2009 11:26 AM
Subject: Re: Question re Construction ELGs

Deliberative

----- Original Message -----

From: Peter Silva
Sent: 08/14/2009 11:06 AM EDT
To: Richard Windsor
Cc: Scott Fulton; "Lisa Heinzerling" <heinzerling.lisa@epa.gov>; "Bob Sussman" <Sussman.bob@epa.gov>
Subject: Re: Question re Construction ELGs

Let me get back to you. I know staff feels that trying to do both will require a lot more effort and time. Apparently there is an urgency to get the SW rule done within the current schedule.

Peter S. Silva
Assistant Administrator
Environmental Protection Agency
Office of Water

Telephone: (202) 564-5700
FAX: (202) 564-0488

Mailing Address: 1200 Pennsylvania Ave., NW, Mail Code 4101M, Washington, DC 20460-0001

Physical/FedEx/Courier Address: 1201 Constitution Ave., NW, Rm. 3219 EPA East Building, Washington, DC 20004-3302

From: Richard Windsor/DC/USEPA/US
To: "Peter Silva" <Silva.Peter@epamail.epa.gov>
Cc: "Lisa Heinzerling" <heinzerling.lisa@epa.gov>, "Bob Sussman" <Sussman.bob@epa.gov>, "Scott Fulton" <Fulton.Scott@epamail.epa.gov>
Date: 08/14/2009 11:03 AM
Subject: Question re Construction ELGs

After sleeping on it, it does indeed seem preferable to do construction and post-construction rulemaking simultaneously. How much more time would we need? And have we approached the plaintiffs to request whether they would be amenable to an extension? My rationale here is that we really want to transform project design to achieve overall improvements in s/w mgmt and that is best done by post-construction ELGs. Lj

To: CN=Peter Silva/OU=DC/O=USEPA/C=US@EPA;CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]; N=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]
Cc: CN=Scott Fulton/OU=DC/O=USEPA/C=US@EPA;"Lisa Heinzerling" [heinzerling.lisa@epa.gov]; Lisa Heinzerling" [heinzerling.lisa@epa.gov]; Bob Sussman" [Sussman.bob@epa.gov]
From: CN=Bob Sussman/OU=DC/O=USEPA/C=US
Sent: Fri 8/14/2009 3:26:25 PM
Subject: Re: Question re Construction ELGs

Deliberative

----- Original Message -----

From: Peter Silva
Sent: 08/14/2009 11:06 AM EDT
To: Richard Windsor
Cc: Scott Fulton; "Lisa Heinzerling" <heinzerling.lisa@epa.gov>; "Bob Sussman" <Sussman.bob@epa.gov>
Subject: Re: Question re Construction ELGs
Let me get back to you. I know staff feels that trying to do both will require a lot more effort and time. Apparently there is an urgency to get the SW rule done within the current schedule.

Peter S. Silva
Assistant Administrator
Environmental Protection Agency
Office of Water
Telephone: (202) 564-5700
FAX: (202) 564-0488

Mailing Address: 1200 Pennsylvania Ave., NW, Mail Code 4101M, Washington, DC 20460-0001

Physical/FedEx/Courier Address: 1201 Constitution Ave., NW, Rm. 3219 EPA East Building, Washington, DC 20004-3302

From: Richard Windsor/DC/USEPA/US
To: "Peter Silva" <Silva.Peter@epamail.epa.gov>
Cc: "Lisa Heinzerling" <heinzerling.lisa@epa.gov>, "Bob Sussman" <Sussman.bob@epa.gov>, "Scott Fulton" <Fulton.Scott@epamail.epa.gov>
Date: 08/14/2009 11:03 AM
Subject: Question re Construction ELGs

After sleeping on it, it does indeed seem preferable to do construction and post-construction rulemaking simultaneously. How much more time would we need? And have we approached the plaintiffs to request whether they would be amenable to an extension? My rationale here is that we really want to transform project design to achieve overall improvements in s/w mgmt and that is best done by post-construction ELGs. Lj

To: "Bob Sussman" [Sussman.Bob@epamail.epa.gov]
Cc: "Richard Windsor" [Windsor.Richard@epamail.epa.gov]
From: CN=Scott Fulton/OU=DC/O=USEPA/C=US
Sent: Fri 8/14/2009 7:50:17 PM
Subject: Fw: MEMORANDUM: FY 2009 Federal Managers' Financial Integrity Act Assurance Letter for OIG
[FMFIA FY 2009.doc.pdf](#)
[FMFIA attachment.pdf](#)

Hi Bob - In my absence, can you take a look at this and get it to where it should go? Thx!

----- Original Message -----

From: Bill Roderick
Sent: 08/14/2009 02:54 PM EDT
To: LisaP Jackson
Cc: Scott Fulton; OIG Leadership Committee@EPA; Michael Binder; Jennita Crumblin;
rawls.kim@epa.gov; Annette Morant
Subject: MEMORANDUM: FY 2009 Federal Managers' Financial Integrity Act Assurance Letter for OIG

Hard copy to follow.

To: CN=Scott Fulton/OU=DC/O=USEPA/C=US@EPA[]
Cc: CN=Bob Sussman/OU=DC/O=USEPA/C=US@EPA;"Lisa Heinzerling" [heinzerling.lisa@epa.gov]; Lisa Heinzerling" [heinzerling.lisa@epa.gov]; N=Peter Silva/OU=DC/O=USEPA/C=US@EPA;CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA;"Bob Sussman" [Sussman.bob@epa.gov]; N=Richard Windsor/OU=DC/O=USEPA/C=US@EPA;"Bob Sussman" [Sussman.bob@epa.gov]; Bob Sussman" [Sussman.bob@epa.gov]
From: CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US
Sent: Fri 8/14/2009 4:24:26 PM
Subject: Re: Question re Construction ELGs

Deliberative

From: Scott Fulton/DC/USEPA/US
To: Bob Sussman/DC/USEPA/US@EPA
Cc: "Lisa Heinzerling" <heinzerling.lisa@epa.gov>, Peter Silva/DC/USEPA/US@EPA, Richard Windsor/DC/USEPA/US@EPA, "Bob Sussman" <Sussman.bob@epa.gov>
Date: 08/14/2009 11:43 AM
Subject: Re: Question re Construction ELGs

Deliberative

From: Bob Sussman/DC/USEPA/US
To: Peter Silva/DC/USEPA/US@EPA, Richard Windsor/DC/USEPA/US@EPA
Cc: Scott Fulton/DC/USEPA/US@EPA, "Lisa Heinzerling" <heinzerling.lisa@epa.gov>, "Bob Sussman" <Sussman.bob@epa.gov>
Date: 08/14/2009 11:26 AM
Subject: Re: Question re Construction ELGs

Deliberative

----- Original Message -----

From: Peter Silva

Sent: 08/14/2009 11:06 AM EDT

To: Richard Windsor

Cc: Scott Fulton; "Lisa Heinzerling" <heinzerling.lisa@epa.gov>; "Bob Sussman" <Sussman.bob@epa.gov>

Subject: Re: Question re Construction ELGs

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Peter S. Silva
Assistant Administrator
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Physical/FedEx/Courier Address: 1201 Constitution Ave., NW, Rm. 3219 EPA East Building, Washington, DC 20004-3302

From: Richard Windsor/DC/USEPA/US

To: "Peter Silva" <Silva.Peter@epamail.epa.gov>

Cc: "Lisa Heinzerling" <heinzerling.lisa@epa.gov>, "Bob Sussman" <Sussman.bob@epa.gov>, "Scott Fulton" <Fulton.Scott@epamail.epa.gov>

Date: 08/14/2009 11:03 AM

Subject: Question re Construction ELGs

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To: "Richard Windsor" [Windsor.Richard@epamail.epa.gov]
From: CN=Lawrence Elworth/OU=DC/O=USEPA/C=US
Sent: Fri 8/14/2009 8:58:50 PM
Subject: Fw: Chesapeake Bay E.O.
Section 202B Draft 81309 final.pdf

Here is the report I had my office send - since we don't have cell phone or TV reception where I live I had to come into town to send it - sorry for the delay

----- Original Message -----

From: Alicia Kaiser
Sent: 08/14/2009 04:55 PM EDT
To: Bob Sussman; Chuck Fox; Peter Silva
Cc: Lawrence Elworth
Subject: Chesapeake Bay E.O.

Hi all,

Larry asked me to forward this to you . It came in last night after he had left for North Carolina. He will forward a copy to the Administrator. He has not had a chance to look at it yet.

Thanks,

Alicia N. Kaiser
Special Assistant for Agricultural Policy
U.S. Environmental Protection Agency
Phone: (202) 564-7273
Fax: (202) 564-2889

To: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]
From: CN=Lawrence Elworth/OU=DC/O=USEPA/C=US
Sent: Fri 8/14/2009 9:38:06 PM
Subject: Re: Q.Q.

Deliberative

Please let me know if there is anything else you need.

----- Original Message -----

From: Richard Windsor
Sent: 08/14/2009 12:29 PM EDT
To: Lawrence Elworth
Subject: Q.Q.

Deliberative

To: windsor.richard@epa.gov[]
Cc: []
From: CN=Chuck Fox/OU=CBP/O=USEPA/C=US
Sent: Fri 8/14/2009 9:59:59 PM
Subject: Fw: Fall Kayak Expeditions--Join Us!
DBaugh@cbf.org
DBaugh@cbf.org

Lisa,

Thanks again for today. I think we're on the right path. I really appreciate your leadership and engagement. It is fantastic!

Here's the fall kayak trip schedule. I don't yet know which ones I'm going to do. The September and December ones can easily be organized for a Saturday arrival with overnight in a dormitory. I've never done the October trip, so I just don't know. If you're interested in any one of the trips and the dates work, let me know and I can fill you on more of the details. The trips usually include 12 to 18 people, sometimes kids.

Personal Privacy

Horton is a former Baltimore Sun reporter who still writes a fair amount for magazines. Baugh is the VP for education at CBF (not a policy guy). Other regular attendees include scientists, former Hill staffers, outdoor equipment manufacturers, etc. It is always a fun and knowledgeable bunch.

Talk more soon.

J. Charles Fox
Senior Advisor to the Administrator
Environmental Protection Agency
410 Severn Avenue, Ste 109
410-267-5730
410-267-5777 (f)
----- Forwarded by Chuck Fox/CBP/USEPA/US on 08/14/2009 05:49 PM -----

From: Chuck Fox **Personal Privacy**
To: Chuck Fox/CBP/USEPA/US@EPA
Date: 08/14/2009 05:50 PM
Subject: Fwd: Fall Kayak Expeditions--Join Us!

----- Forwarded message -----

From: Don Baugh - ext. 2054 <DBaugh@cbf.org>
Date: Wed, Aug 12, 2009 at 6:12 PM
Subject: Fall Kayak Expeditions--Join Us!
To: "Don Baugh - ext. 2054" <DBaugh@cbf.org>

Fall Kayak Expeditions

You are invited on three kayak expeditions this fall. As you may know, Tom Horton and Don Baugh have

been offering these adventures to friends for years. We celebrate the Bay's wildness by exploring in kayaks, camping in primitive but often spiritual enclaves, and have the privilege of being untethered from support (carrying your own everything). So what's the good news? You are invited.

September 18-20, Friday to Sunday, Bishop's Head to Tangier

This epic journey captures the island jewels of the Chesapeake, linking Holland, South Marsh, Smith, and Tangier Islands on a 30 mile paddle. This is true adventure, with big water, intimate creeks, and island villages. Day one is paddling from Bishop's Head to Holland Island, now inhabited by hundreds of pelicans and herons, but formerly a bustling waterman's village, with one lone house remaining. Camping is on a remote beach, with zero amenities. Day two is paddling the sometimes treacherous, sometimes placid, Kedge's Straits to Smith Island, where quiet creeks meander through the Martin National Wildlife Refuge. We will spend the night at CBF's Smith Island Education Program dormitory. Day three is paddling the island chain, which are sand bars populated with over 2,000 pelicans, to Tangier Island, our destination. We will take a ferry ride back to Bishop's Head, with all people, gear, and kayaks. Paddling distance each day is 8-15 miles.

October 16-18, Friday to Sunday, Virginia Seaside

The Virginia Eastern Shore's Seaside is a world class ocean ecosystem, with inland bays, marshes, and undeveloped coastal islands. While the Atlantic may be pounding the outer shores of the islands, the inland bays and marshes are much calmer, and are excellent for paddling and exploring. This is peak migration for shorebirds, waterfowl, raptors, and rockfish—up to 60 lbs in the surf. Day one is paddling 5 miles from the Chesapeake Bay Bridge Tunnel to Mockhorn Island, where we will set up a base camp on the grounds of a dilapidated farm and homestead. Day two we will choose from an 8 or 12 mile round trip paddle to one of the coastal islands, landing on the backside, and exploring the beaches, dunes, and forests by foot. Day three we will return to the mainland.

December 4-6, Friday to Sunday, Fox Island

Fox Island is the spiritual center of the universe, for many of us Bay enthusiasts, being our Mecca. It is a marsh island that sits at the confluence of Pocomoke and Tangier Sounds, and exhibits the best of each-- the Bay's finest eel grass beds, and therefore fish and waterfowl habitat in Pocomoke, and some of the Bay's best oyster beds in Tangier. Our accommodations are the restored hunting club, and now premier CBF education facility, perched on stilts over the water. Day one is departing Crisfield, Maryland, and paddling nine miles through the marshes to Fox. Day two is exploring the nearby marshes by paddle and foot. Day three is paddling to Crisfield.

As space is limited, please RSVP soon as it is first come, first served. Please check before inviting others. Expenses are shared at the end of the trip, generally \$75.

Hope to see you on the water!

To: windsor.richard@epa.gov[]
Cc: thompson.diane@epa.gov[]
From: CN=Scott Fulton/OU=DC/O=USEPA/C=US
Sent: Sat 8/15/2009 7:14:42 AM
Subject: Personnel and Whatnot

Hi Lisa - A few things:

Deliberative

4. Budget:

Deliberative

Deliberative

I'll stop there for now.

Cheers,
Scott

To: CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA[]
Cc: "Lisa Heinzerling" [heinzerling.lisa@epa.gov]; N=Peter Silva/OU=DC/O=USEPA/C=US@EPA;CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA;CN=Scott Fulton/OU=DC/O=USEPA/C=US@EPA;"Bob Sussman" [Sussman.bob@epa.gov]; N=Richard Windsor/OU=DC/O=USEPA/C=US@EPA;CN=Scott Fulton/OU=DC/O=USEPA/C=US@EPA;"Bob Sussman" [Sussman.bob@epa.gov]; N=Scott Fulton/OU=DC/O=USEPA/C=US@EPA;"Bob Sussman" [Sussman.bob@epa.gov]; Bob Sussman" [Sussman.bob@epa.gov]
From: CN=Bob Sussman/OU=DC/O=USEPA/C=US
Sent: Fri 8/14/2009 11:26:10 PM
Subject: Re: Question re Construction ELGs

Deliberative

Robert M. Sussman
Senior Policy Counsel to the Administrator
Office of the Administrator
US Environmental Protection Agency

From: Lisa Heinzerling/DC/USEPA/US
To: Scott Fulton/DC/USEPA/US@EPA
Cc: Bob Sussman/DC/USEPA/US@EPA, "Lisa Heinzerling" <heinzerling.lisa@epa.gov>, Peter Silva/DC/USEPA/US@EPA, Richard Windsor/DC/USEPA/US@EPA, "Bob Sussman" <Sussman.bob@epa.gov>
Date: 08/14/2009 12:24 PM
Subject: Re: Question re Construction ELGs

Deliberative

From: Scott Fulton/DC/USEPA/US
To: Bob Sussman/DC/USEPA/US@EPA
Cc: "Lisa Heinzerling" <heinzerling.lisa@epa.gov>, Peter Silva/DC/USEPA/US@EPA, Richard Windsor/DC/USEPA/US@EPA, "Bob Sussman" <Sussman.bob@epa.gov>
Date: 08/14/2009 11:43 AM
Subject: Re: Question re Construction ELGs

Deliberative

Deliberative

From: Bob Sussman/DC/USEPA/US
To: Peter Silva/DC/USEPA/US@EPA, Richard Windsor/DC/USEPA/US@EPA
Cc: Scott Fulton/DC/USEPA/US@EPA, "Lisa Heinzerling" <heinzerling.lisa@epa.gov>, "Bob Sussman" <Sussman.bob@epa.gov>
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Deliberative

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Sent: 08/14/2009 11:06 AM EDT
To: Richard Windsor
Cc: Scott Fulton; "Lisa Heinzerling" <heinzerling.lisa@epa.gov>; "Bob Sussman" <Sussman.bob@epa.gov>
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Cc: "Lisa Heinzerling" <heinzerling.lisa@epa.gov>, "Bob Sussman" <Sussman.bob@epa.gov>, "Scott Fulton" <Fulton.Scott@epamail.epa.gov>

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**PROGRAM REVIEW STRATEGY
MULTI-YEAR PLAN (FY 2009 – FY 2011)**

Organization (AAship / Regional Office): Office of Inspector General

Internal Control Reviews (program, function or activities)	Year of Review	Type		Summary of Review	Deficiencies Identified (if applicable)	Corrective Actions	
		internal	external			completed	remaining
Internal Audit Follow-up Review - Draft	FY 2009	Internal OIG Review		This Internal OIG review examined how the OIG could improve its process, practices and quality of data to consistently and accurately achieve resolution of OIG recommendations with the Agency as described in OMB A-50. Also monitor and report on status of actions on individual recommendations, including the identification of recommendations that are unimplemented. The review found that the OIG can do more to improve its internal audit follow-up process, and ensure that the information reported to the Agency and Congress is accurate.	The Draft Internal Review identified a number of opportunities for improvement in the practices, application of uniform terminology and data quality methods to improve OIG resolution and monitoring of actions taken by the Agency agreed-to audit recommendations (see draft Internal Review for details).	TBD	TBD
Internal Quality Assurance Review	FY 2009		Performed by a Contractor	In September 2008, the Accounting firm of Brown & Company CPAs, PLLC, was contracted by EPA-OIG to conduct an independent quality review of EPA-OIG audit operations. This firm	In December 2008, Brown concluded that the internal quality control system was adequate as designed and employees complied with it to reasonably assure that	2	2

				was asked to review EPA-OIG's audit operations to determine whether the operations complied with GAO Government Auditing Standards and the Council of Inspectors General on Integrity and Efficiency (formerly the (PCIE) Peer Review Guide.	EPA-OIG met applicable audit standards, policies, and procedures.		
External Peer Review			External Peer Review	This was external peer review performed by the OIG, Dept. of Homeland Security to review EPA OIG's compliance with the professional auditing standards of the US Comptroller General (Yellow Book) and the OIG system of controls over the quality and performance of EPA OIG audit and evaluation products – using the checklists and standards of the GAO and the Inspector General Council of Integrity and Efficiency	The final report of the results of the FY 09 Peer Review was provided to EPA-OIG on July 10, 2009. DHS-OIG conducted the Peer Review of EPA-OIG's system of quality control in effect for the year ended September 30, 2008. A system of quality control encompasses EPA OIG's organizational structure and the policies adopted and procedures established to provide it with reasonable assurance of conforming to <i>Government Auditing Standards</i> . Federal audit organizations can receive a rating of pass, pass with deficiencies, or fail. EPA-OIG received a peer review rating of pass. Matters that were not considered to be of sufficient significance to affect DHS-OIG's opinion are forthcoming.	TBD	TBD
Annual FMFIA Assessment and Vulnerability Assessment Tool	FY 2009	Internal OIG Review			The internal assessment identified recruitment and retention of qualified staff	TBD	TBD

					<p>as a continuing weakness to be addressed.</p> <p>Product timeliness continues to be an area where improvement is needed.</p> <p>Organizational design and operational coordination continues as an area for improvement.</p>		
SWOT Analysis from Internal Vulnerability Survey	FY 2009	OIG Internal Review		This was an organization-wide risk assessment though the use of an anonymous employee survey seeking the statistical and narrative information on the all product, organizational, administrative processes and controls.	The SWOT Analysis did not reveal any critical deficiencies, but did identify opportunities for organizational improvement in greater through greater coordination of operations..	TBD	TBD
Review of OIG Timekeeping Control and Practices	FY 2009	Internal OIG Review		About 80 percent of the OIG resources are spent on staff payroll expenses controlled though the OIG and Agency Timekeeping systems. This review was done to determine if OIG timekeeping processes has adequate internal controls over data quality and oversight to ensure the integrity of resources and complies with EPA and OIG requirements	The draft review did not identify any critical deficiencies, but did identify opportunities for improvement in the development and application of consistent policies and procedures. Also, OIG systems need to include additional features to better track the changes in time planning and approvals.	TBD	TBD
Review Records Management	Planned for FY 2010	Internal OIG Review		This prospective review will examine if the OIG has internal current policies and procedures and practices that comply with Agency and Federal requirements.	Results and required actions of this review are to be determined		

Assignment Management	Planned for 2010	Internal OIG Review		This prospective review, similar to the timekeeping review will examine the policies, procedures and practices used to accurately and consistently capture staff time charged to specific assignments as method of monitoring application of staff time and related costs of OIG products.	Results and required actions of this review are to be determined		
Purchase Card Review	Planned for 2010	Internal OIG Review as Required		This prospective review, conducted on a two-year cycle will test the transactions and application of policies and procedures in the application of the OIG purchase card program.	Results and required actions of this review are to be determined		
Organization-wide Planning	Planned for 2011	Internal OIG Review		This prospective review will evaluate best practices in organization-wide planning policies and procedures to identify opportunities for a more comprehensive, coordinated and approach	Results and required actions of this review are to be determined		
OIG Contract Management	Planned for 2011	Internal OIG Review		This prospective review will test the OIG's compliance with Federal Acquisition Regulations and applicable Agency policies and procedures.	Results and required actions of this review are to be determined		
Administration of Recovery Act Funds	Planned for 2011	Internal OIG Review		This prospective review will test the OIG's controllership, accountability for and reporting of funds appropriated exclusively for Recovery Act oversight.	Results and required actions of this review are to be determined		

Signature:

Responsible Manager: _____

Date: 8/14/07

To: CN=Gina McCarthy/OU=DC/O=USEPA/C=US@EPA[]
Cc: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]
From: CN=Bob Sussman/OU=DC/O=USEPA/C=US
Sent: Sun 8/16/2009 8:05:28 PM
Subject: Tailoring Rule

Gina -- I read through the tailoring rule package. You won't be surprised by my comments.

Deliberative

Deliberative

Deliberative

Deliberative

Robert M. Sussman
Senior Policy Counsel to the Administrator
Office of the Administrator

US Environmental Protection Agency

To: Richard Windsor/DC/USEPA/US@EPA[]
From: "Seth Oster"
Sent: Sat 8/15/2009 10:35:08 PM
Subject: Valeri Jarrett Heckled....
[image001.gif](#)
Valarie Jarrett Heckled And Hissed At Netroots Nation

Maybe this is why she couldn't make lunch on Friday....

Seth

Valarie Jarrett Heckled And Hissed At Netroots Nation

One year ago at the Netroots Nation conference in Austin, Texas the mood of the crowd was one of excitement and elation over the possibility of a Barack Obama presidency.

A year later, with that possibility achieved, a sense of cynicism has begun to creep in. On Saturday morning, one of the president's closest advisers, Valerie Jarrett addressed the Netroots Nation conference in Pittsburgh. And while attendees were largely supportive throughout the question and answer session, the reception was warm at best. The defining moment, in fact, came when Jarrett was hissed and heckled.

Roughly midway through the session, Jarrett was pressed to explain why the President was "continuing so many of [Bush's] policies many of which he criticized as candidate Obama." Knowing the mood and makeup of the audience - largely progressive activists from across the country - she acknowledged off the bat that it was "a fair question." But from there, things grew a bit rough.

Jarrett defended the work Obama has done outlawing torture, and releasing Office of Legal Counsel memos detailing how such interrogation practices came to be. At that point, a protester in the audience screamed out a question about why the White House was trying to keep additional photographs of detainee abuse from becoming public.

"I heard somebody shout out about the pictures," Jarrett replied. "Everybody knows what's in those pictures. And this is where it gets very delicate and I know it is a touchy subject for this audience. But what he is trying to balance as president, is keeping us safe, not giving ammunition to people who already have ample ammunition from what they've seen before to be adverse to us."

More shouts and protests followed. "I can't hear you," Jarrett said. "You know what you've got to do? You've got to figure out a way to get your question on here [pointing to the computer on stage that was receiving emails from questioners]. We are not going to have shout outs from the audience."

The moderator agreed. "This is not a town hall meeting like that," said Baratunde Thurston, of Jack and Jill Politics and The Onion. The crowd got the reference to the boisterous demonstrators at health care town halls. But they didn't stop. From the back of the room, someone shouted a question about why the private security contractor, Blackwater, was still being paid for work overseas.

"Well we are certainly trying to get rid of the no bid contracts," said Jarrett. "He has been very clear about that."

Story continues below

A group of individuals sitting at a table off to the side started hissing. "I hear the frustration and I hear the kind of hissing," said Jarrett. "I hear you. Settle down over there, settle down."

"I'm asking you to trust [the President]," she pleaded. "And I know that's hard. Because I know how pure you are to the cause. But he also has to keep in mind that he has to keep those folks safe."

At that point the protests ended. It was a minor glitch in an otherwise smooth, albeit little news making, a four minute portion of an hour-and-fifteen minute long event. Still, it provided something of a window into the small but mounting frustrations the progressive community has with the president they helped elect.

Ironically, when it came to policy questions, Jarrett hit all the right notes for the audience. On a public option for insurance coverage, which progressives hold near to their hearts, she insisted that it was and remains a philosophical commitment for the president.

"Let me be very clear and I talked to the president yesterday about this, knowing I was coming here," said Jarrett. "The president wants the public option, he has made that clear everywhere he has gone."

On Don't Ask Don't Tell and the Defense of Marriage Act - two places in which the administration has taken some heat from its more liberal backers - Jarrett was firm in saying the White House wanted both laws repealed.

"He believes that DADT is wrong and he attempts to seek repeal in Congress," she said. "He believes the DOMA discriminates."

In fact, the only other place Jarrett got tripped up was when the topic, once again, turned from policy to politics. Asked by Thurston why the administration didn't push back hard against Blue Dog Democrats for not backing the president's health care agenda, Jarrett tried to play diplomat rather than offer the type of aggressive, red meat response that the crowd wanted to hear.

"I know that obviously that hit a note here," she said. "And, I know that there is a lot of frustration here and around the country. I'm telling you, I'm convinced this President has it right... He is not one to punish or do any of the things that perhaps you want to do in a moment of spontaneity or a moment of anger. But he is going to count on you. He is going to count on the American people to put the pressure on their elected representatives because that is the way the system works the best. It doesn't work the best when he decides to punish them from the Oval [Office]."

The crowd clapped softly. "Not quite as much applause [as the question got]," Jarrett said. "But trust me, this will work."

To: CN=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]; N=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]
Cc: CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA[]
From: CN=Marygrace Galston/OU=DC/O=USEPA/C=US
Sent: Mon 8/17/2009 5:58:50 PM
Subject: Bob Perciasepe and Paul Anastas
[FINAL - Memo from Rahm Emanuel.pdf](#)
[FINAL - OGE Memo on PAS Appointees 031501.pdf.pdf](#)

The White House has approved them coming on as Senior Advisors under the Rahm Agreement (which I am attaching). The Hill offices were notified of this by the Congressional office at the WH. I asked if any offices (minority) put up any sort of stink about it (knowing we have two holds) and I am waiting to hear back from Sean Kennedy about it. If you guys give me the go ahead, I will work with HR to get them onboarded as senior advisors. I will wait for your go ahead.



CHIEF OF STAFF TO THE PRESIDENT
THE WHITE HOUSE

January 25, 2009

MEMORANDUM FOR CABINET MEMBERS

FROM:

Rahm Emanuel

SUBJECT: Employment Guidelines for Potential Presidential Appointees

Potential future PAS may be brought into your departments as advisors or counselors to the secretaries if they are in compliance with the attached standards of behavior for activities prior to nomination and confirmation. These rules have now been agreed to with the Senate Leadership. You are to call Jim Oleske in Legislative Affairs at the White House, please, for the purpose of notifying the Senate when you desire to bring on a future PAS as an advisor or counselor. He can be reached at: Deliberative

Individual agencies should consult their human resource directors for specific details on two options: the future PAS appointee can be brought in as an advisor with salary limited to a GS15/step 10, without benefits; or as a provisional limited-term SES, with benefits and a salary range to be determined in consultation with the Office of Personnel Management.

Future PAS must also consult with their ethics officers to make sure they comply with ethics rules in their advisor/counselor roles. Enclosed is a memorandum from OGE on this subject prepared during the last transition.

Please call Don Gips or Nancy Hogan with any questions at 202-395-1353.

cc:

Jim Messina
Greg Craig
Don Gips
Chris Lu
Phil Schiliro
Nancy Hogan
Jim Oleske
Norm Eisen
Kendall Burman

To: CN=Marygrace Galston/OU=DC/O=USEPA/C=US@EPA[]
Cc: CN=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]; N=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]
From: CN=Arvin Ganesan/OU=DC/O=USEPA/C=US
Sent: Mon 8/17/2009 6:10:42 PM
Subject: Re: Bob Perciasepe and Paul Anastas

We can expect Senator Vitter and Senator Voinovich's office to object. However, I think before we begin to onboard them, we should have a conversation with both of them about the limitations of this classification.

ARVIN R. GANESAN
Deputy Associate Administrator
Congressional Affairs
Office of the Administrator
United States Environmental Protection Agency
Ganesan.Arvin@epa.gov
(p) 202.564.5200
(f) 202.501.1519

From: Marygrace Galston/DC/USEPA/US
To: Diane Thompson/DC/USEPA/US@EPA, Richard Windsor/DC/USEPA/US@EPA
Cc: Arvin Ganesan/DC/USEPA/US@EPA
Date: 08/17/2009 01:58 PM
Subject: Bob Perciasepe and Paul Anastas

The White House has approved them coming on as Senior Advisors under the Rahm Agreement (which I am attaching). The Hill offices were notified of this by the Congressional office at the WH. I asked if any offices (minority) put up any sort of stink about it (knowing we have two holds) and I am waiting to hear back from Sean Kennedy about it. If you guys give me the go ahead, I will work with HR to get them onboarded as senior advisors. I will wait for your go ahead.

[attachment "FINAL - Memo from Rahm Emanuel.pdf" deleted by Arvin Ganesan/DC/USEPA/US]
[attachment "FINAL - OGE Memo on PAS Appointees 031501.pdf.pdf" deleted by Arvin Ganesan/DC/USEPA/US]



United States

Office of Government Ethics

1201 New York Avenue, NW., Suite 500
Washington, DC 20005-3917

March 15, 2001
DO-01-009

MEMORANDUM

TO: Designated Agency Ethics Officials

FROM: Amy L. Comstock
Director

SUBJECT: Ethical Requirements Applicable to Potential PAS
Appointees Employed as "Advisors" or "Counselors"

On January 26, 2001, the White House issued a memorandum to all cabinet members and agency heads, titled "Employment Guidelines for Potential Presidential Appointees" (White House Memorandum). The White House Memorandum and its attachment address the procedures and guidelines under which "potential future PAS" appointees for sub-Cabinet positions may be employed as "an advisor or counselor" to the secretary or agency head of their prospective agency.

Under the White House Memorandum, such individuals may be employed "prior to announcement, nomination and confirmation but after being selected" for a PAS position. From discussions with the White House, we understand that these advisors and counselors are not expected to be hired as such until there has been an announcement of the President's intention to nominate them for a position requiring Senate confirmation. Consequently, it is intended that these individuals will serve only for relatively brief periods of time in their positions as advisor or counselor, until final Senate action on their nomination for a full-time sub-Cabinet position. The White House Memorandum specifies two alternative mechanisms by which these short-term appointments may be effected: (1) the individuals may be "brought in as an advisor/counselor, with a salary limited to a GS 15/step 10, without benefits;" and (2) they may be appointed as "a provisional limited-term SES, with benefits and a salary range up to \$133,700."

Certain "standards of behavior" are prescribed by the White House Memorandum for potential PAS appointees hired as advisors or counselors. Among these standards is the requirement that they

" comply with all applicable ethics rules." Therefore, the Office of Government Ethics is providing the following guidance to assist agency ethics officials in determining which ethical requirements are applicable to these employees.

Status of Advisors and Counselors under the Ethics Laws and Rules

It is important to emphasize at the outset that potential PAS appointees hired under either mechanism described above are employees of the United States. As Federal employees, they are generally subject to all Federal ethics laws and regulations, unless they meet any specific exemptions or exceptions.¹ Among other things, these advisors and counselors are subject to any relevant provisions of: (1) the criminal conflict of interest laws in chapter 11 of title 18, United States Code; (2) the restrictions on gifts in 5 U.S.C. §§ 7351 and 7353; (3) the financial disclosure requirements of 5 U.S.C. app. § 101, et seq.; (5) Executive Order 12731; and (6) the Standards of Ethical Conduct for Employees of the Executive Branch in 5 C.F.R. part 2635.

Nevertheless, it is expected that the advisors or counselors hired pursuant to the White House Memorandum will qualify for treatment as special Government employees (SGEs) until appointment in a Senate confirmed position. As SGEs, these individuals will be subject to somewhat less restrictive requirements under many of the ethics statutes and rules.

For most purposes, an SGE is an officer or employee "who is retained, designated, appointed or employed to perform, with or without compensation, for not to exceed one hundred and thirty days, temporary duties either on a full-time or intermittent

¹ This is true even with respect to employees who work without compensation, although uncompensated employees may be subject to somewhat less restrictive requirements under certain ethics provisions. See generally 6 Op. O.L.C. 644 (1982). It is not apparent from the White House Memorandum whether it is contemplated that any advisors or counselors will be appointed to serve without compensation, for example, pursuant to 5 U.S.C. § 3109. See 5 C.F.R. § 304.104(c) (temporary or intermittent expert or consultant hired pursuant to 5 U.S.C. § 3109 may be employed without pay, provided individual agrees in advance in writing to waive claim for compensation). If agency ethics officials encounter advisors or counselors serving without compensation, they should feel free to discuss any specific ethics questions with this Office.

basis." 18 U.S.C. § 202(a). We understand that the White House expects that any advisors or counselors normally would be employed in such positions for 130 or fewer days prior to final Senate action on their nomination for a PAS position. The fact that such individuals ultimately may be confirmed and appointed to a full-time PAS position at some later point does not preclude their designation as SGEs for their prior position as advisor or counselor. In situations involving successive appointments to different positions, we have advised that the individual may be viewed as an SGE until such time as a second appointment occurs that would disqualify the individual from enjoying continued SGE status. See, e.g., "Conflict of Interest and the Special Government Employee," at 4 (attachment to DAEOgram DO-00-003, February 15, 2000). Of course, once an advisor or counselor is appointed to a full-time position, he or she no longer may be treated as an SGE but will become subject to the stricter ethical requirements applicable to all regular employees serving in a full-time PAS position.

It is beyond the scope of this Memorandum to explain in detail all of the relevant ethical requirements applicable to SGEs. These requirements, particularly those involving special exceptions and exemptions for SGEs, are discussed at length in DAEOgram, DO-00-003 and its attachment, "Conflict of Interest and the Special Government Employee," which may be found on our web site at www.usoge.gov/pages/daeograms/dgr_files/2000/do00003.txt. A few basic points, however, are worth noting here. First, SGEs are not subject to the restrictions on "covered noncareer employees" with respect to certain outside activities, compensation and affiliations, as set out in 5 U.S.C. app. §§ 501-505 and 5 C.F.R. part 2636.² Similarly, SGEs are not subject to the prohibition on outside earned income applicable to certain Presidential appointees, under § 102 of Executive Order 12731. Furthermore, although SGEs typically are subject to the criminal conflict of interest statutes (even if under less restrictive provisions), they are not subject to the criminal supplementation of salary statute at all. See 18 U.S.C. § 209(c).

Finally, with very limited exceptions, all SGEs must file either a public financial disclosure report or a confidential

² Please note, however, that advisors and counselors remain subject to numerous other restrictions on their outside compensation and activities, pursuant to the criminal conflict of interest statutes and the Standards of Ethical Conduct for Employees of the Executive Branch in 5 C.F.R. part 2635.

financial disclosure report. See "Conflict of Interest and the Special Government Employee," at 19-21. As a practical matter, we expect that any individual appointed as an advisor or counselor, under the White House Memorandum, will be submitting a draft SF 278 in connection with the standard pre-nomination review process for potential PAS appointees. Such reports will be subject to extensive evaluation and revision, as well as the identification of any necessary remedial measures, through the usual course of review by the Designated Agency Ethics Official, the White House Counsel's Office, the Office of Government Ethics, and ultimately the Senate. We have determined that this process will satisfy any financial disclosure obligations of advisors or counselors who are potential PAS appointees. In the ordinary case, it is expected that the final nominee report will be filed within the time frame (including any appropriate extensions) for filing any report required for the same individual's position as advisor or counselor, so there should be no need to file two separate forms.

The New York Times

To: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]
Cc: CN=Aaron Dickerson/OU=DC/O=USEPA/C=US@EPA;CN=Eric Wachter/OU=DC/O=USEPA/C=US@EPA;CN=Robert Goulding/OU=DC/O=USEPA/C=US@EPA[]; N=Eric Wachter/OU=DC/O=USEPA/C=US@EPA;CN=Robert Goulding/OU=DC/O=USEPA/C=US@EPA[]; N=Robert Goulding/OU=DC/O=USEPA/C=US@EPA[]
From: CN=Diane Thompson/OU=DC/O=USEPA/C=US
Sent: Mon 8/17/2009 6:32:33 PM
Subject: Fw: Talking Points: Lowering Costs and Increasing Choice in the Health Insurance Market
[The New York Times](#)
[\(embedded image\)](#)

Diane E. Thompson
Chief of Staff
U. S. Environmental Protection Agency
202-564-6999

----- Forwarded by Diane Thompson/DC/USEPA/US on 08/17/2009 02:32 PM -----

From: "Milakofsky, Benjamin E." <[Personal Privacy]>
To: "Lu, Christopher P." <[Personal Privacy]> "Smith, Elizabeth S." <[Personal Privacy]> "Kimball, Astri B." <[Personal Privacy]> "Hurlbut, Brandon K." <[Personal Privacy]> "French, Michael J." <[Personal Privacy]> "Milakofsky, Benjamin E." <[Personal Privacy]>
Date: 08/17/2009 01:48 PM
Subject: Talking Points: Lowering Costs and Increasing Choice in the Health Insurance Market

Dear Chiefs of Staff:

Please see the talking points on the Health Insurance Market. Also, below is the President's op-ed that was in the NY Times.

--Cabinet Affairs

Talking Points: Lowering Costs and Increasing Choice in the Health Insurance Market

- This weekend there has been a lot of back and forth about the public option and where it stands as part of the health reform debate. The bottom line is this: nothing has changed.
- The President has always said that what is essential is that health insurance reform must lower costs, ensure that there are affordable options for all Americans and increase choice and competition in the health insurance market.
- He believes the public option is the best way to achieve those goals. He has always said he is open to other good ideas, but at this point the public option seems like the best way to lower costs and increase choice and competition, and presidential senior advisor Valerie Jarrett reiterated that on Saturday at a public event.

Hearing from Everyday Americans

- Over the past week, the President has spent time in New Hampshire, Montana and Colorado at town hall meetings hearing from everyday Americans who are struggling with rising health care costs, exorbitant out-of-pocket fees, denial of coverage for pre-existing conditions and dropped coverage because they have developed a medical condition.
- Across the country, Americans are held hostage at any given moment by health insurance companies that deny coverage, drop coverage or charge fees that people can't afford at a time when they need care the most.
- It's bankrupting families and it's bankrupting businesses. And we are going to fix it when we pass health insurance reform this year.
- Under the reform we're proposing, insurance companies will be prohibited from denying coverage because of a person's medical history.
 - o They will not be able to drop your coverage if you get sick, or water down your coverage when you need it.
- They will also be banned from charging exorbitant out-of-pocket expenses for things like co-pays and deductibles, or capping the amount of coverage you're able to receive. And they'll have to fully cover – without charge – regular checkups and tests that help you prevent illness, such as mammograms or eye and foot exams for diabetics.

August 16, 2009

Op-Ed Contributor

Why We Need Health Care Reform

By BARACK OBAMA

OUR nation is now engaged in a great debate about the future of health care in America. And over the past few weeks, much of the media attention has been focused on the loudest voices. What we haven't heard are the voices of the millions upon millions of Americans who quietly struggle every day with a system that often works better for the health-insurance companies than it does for them.

These are people like Lori Hitchcock, whom I met in New Hampshire last week. Lori is currently self-employed and trying to start a business, but because she has hepatitis C, she cannot find an insurance company that will cover her. Another woman testified that an insurance company would not cover illnesses related to her internal organs because of an accident she had when she was 5 years old. A man lost his health coverage in the middle of chemotherapy because the insurance company discovered that he had gallstones, which he hadn't known about when he applied for his policy. Because his treatment was delayed, he died.

I hear more and more stories like these every single day, and it is why we are acting so urgently to pass health-insurance reform this year. I don't have to explain to the nearly 46 million Americans who don't have health insurance how important this is. But it's just as important for Americans who do have health insurance.

There are four main ways the reform we're proposing will provide more stability and security to every American. First, if you don't have health insurance, you will have a choice of high-quality, affordable coverage for yourself and your family — coverage that will stay with you whether you move, change your job or lose your job.

Second, reform will finally bring skyrocketing health care costs under control, which will mean real savings for families, businesses and our government. We'll cut hundreds of billions of dollars in waste and inefficiency in federal health programs like Medicare and Medicaid and in unwarranted subsidies to insurance companies that do

nothing to improve care and everything to improve their profits.

Third, by making Medicare more efficient, we'll be able to ensure that more tax dollars go directly to caring for seniors instead of enriching insurance companies. This will not only help provide today's seniors with the benefits they've been promised; it will also ensure the long-term health of Medicare for tomorrow's seniors. And our reforms will also reduce the amount our seniors pay for their prescription drugs.

Lastly, reform will provide every American with some basic consumer protections that will finally hold insurance companies accountable. A 2007 national survey actually shows that insurance companies discriminated against more than 12 million Americans in the previous three years because they had a pre-existing illness or condition. The companies either refused to cover the person, refused to cover a specific illness or condition or charged a higher premium.

We will put an end to these practices. Our reform will prohibit insurance companies from denying coverage because of your medical history. Nor will they be allowed to drop your coverage if you get sick. They will not be able to water down your coverage when you need it most. They will no longer be able to place some arbitrary cap on the amount of coverage you can receive in a given year or in a lifetime. And we will place a limit on how much you can be charged for out-of-pocket expenses. No one in America should go broke because they get sick.

Most important, we will require insurance companies to cover routine checkups, preventive care and screening tests like mammograms and colonoscopies. There's no reason that we shouldn't be catching diseases like breast cancer and prostate cancer on the front end. It makes sense, it saves lives and it can also save money.

This is what reform is about. If you don't have health insurance, you will finally have quality, affordable options once we pass reform. If you have health insurance, we will make sure that no insurance company or government bureaucrat gets between you and the care you need. If you like your doctor, you can keep your doctor. If you like your health care plan, you can keep your health care plan. You will not be waiting in any lines. This is not about putting the government in charge of your health insurance. I don't believe anyone should be in charge of your health care decisions but you and your doctor — not government bureaucrats, not insurance companies.

The long and vigorous debate about health care that's been taking place over the past few months is a good thing. It's what America's all about.

But let's make sure that we talk with one another, and not over one another. We are bound to disagree, but let's disagree over issues that are real, and not wild misrepresentations that bear no resemblance to anything that anyone has actually proposed. This is a complicated and critical issue, and it deserves a serious debate.

Despite what we've seen on television, I believe that serious debate is taking place at kitchen tables all across America. In the past few years, I've received countless letters and questions about health care. Some people are in favor of reform, and others have concerns. But almost everyone understands that something must be done.

Almost everyone knows that we must start holding insurance companies accountable and give Americans a greater sense of stability and security when it comes to their health care.

I am confident that when all is said and done, we can forge the consensus we need to achieve this goal. We are already closer to achieving health-insurance reform than we have ever been. We have the American Nurses Association and the American Medical Association on board, because our nation's nurses and doctors know firsthand how badly we need reform. We have broad agreement in Congress on about 80 percent of what we're trying to do. And we have an agreement from the drug companies to make prescription drugs more affordable for seniors. The AARP supports this policy, and agrees with us that reform must happen this year.

In the coming weeks, the cynics and the naysayers will continue to exploit fear and concerns for political gain. But for all the scare tactics out there, what's truly scary — truly risky — is the prospect of doing nothing. If we maintain the status quo, we will continue to see 14,000 Americans lose their health insurance every day. Premiums will continue to skyrocket. Our deficit will continue to grow. And insurance companies will continue to profit by discriminating against sick people.

That is not a future I want for my children, or for yours. And that is not a future I want for the United States of America.

In the end, this isn't about politics. This is about people's lives and livelihoods. This is about people's businesses. This is about America's future, and whether we will be able to look back years from now and say that this was the moment when we made the changes we needed, and gave our children a better life. I believe we can, and I believe we will.

Barack Obama is the president of the United States.

To: CN=Gina McCarthy/OU=DC/O=USEPA/C=US@EPA[]
Cc: CN=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Lisa
Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Richard
Windsor/OU=DC/O=USEPA/C=US@EPA[]; N=Lisa
Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Richard
Windsor/OU=DC/O=USEPA/C=US@EPA[]; N=Richard
Windsor/OU=DC/O=USEPA/C=US@EPA[]
From: CN=David McIntosh/OU=DC/O=USEPA/C=US
Sent: Tue 8/18/2009 1:30:26 PM
Subject: Re: Followup info
[Sources in Final MRR.xls](#)
[Manure facilities GHG Reporting.doc](#)

You might consider also sending the attached fact sheet that Climate Change Division staff prepared and that we sent to Feinstein's office in advance of the Senate Approps Committee markup of our appropriations bill in July. It points out that the only agricultural facilities included in the MRR are massive industrial ones.

From: Gina McCarthy/DC/USEPA/US
To: Richard Windsor/DC/USEPA/US@EPA
Cc: David McIntosh/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Lisa
Heinzerling/DC/USEPA/US@EPA
Date: 08/18/2009 09:17 AM
Subject: Followup info

One last piece of info requested by Phil on yesterday's call had to do with the Reporting Rule and who was in and who was out. The attached lists who's in and who's delayed. When you are Ok with it, I would like to send the info along.

Source categories in Final MRR	Source Categories Delayed
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Deliberative



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF
INSPECTOR GENERAL

AUG 14 2009

MEMORANDUM

SUBJECT: FY 2009 Federal Managers' Financial Integrity Act Assurance Letter

TO: Lisa P. Jackson
Administrator

PURPOSE

In accordance with the Federal Managers' Financial Integrity Act (FMFIA) and Agency guidance, I am submitting the Fiscal Year (FY) 2009 annual assurance letter attesting to the soundness of internal controls for the Office of Inspector General (OIG).

GENERAL STATEMENT OF ASSURANCE

The OIG has assessed the effectiveness of its internal controls in compliance with the five GAO internal control standards. Based on this assessment, it is my opinion that the OIG is in compliance with the reporting and implementing requirements of FMFIA. The internal controls within OIG are adequate to reasonably ensure the protection of programs, operations, functions, and resources for which I am responsible against fraud, waste, abuse, and mismanagement.

ASSURANCE STATEMENT SPECIFIC TO RECOVERY ACT ACTIVITIES

In accordance with the American Recovery and Reinvestment Act (Recovery Act) of 2009 and Agency guidance, I can provide reasonable assurance that:

- All Recovery Act responsibilities and activities in the OIG were managed effectively and efficiently, utilized reliable and accurate data to report on achievement of Recovery Act activities, and were in compliance with laws and regulations.
- All Recovery Act funds designated for the OIG have been used solely for that purpose.

- The OIG is monitoring the applicable risks and internal controls identified in EPA's Recovery Act Stewardship Plan and is in compliance with the Stewardship Plan.

OIG ASSESSMENT OF ITS INTERNAL CONTROLS

Control Environment

To ensure and maintain a positive control environment, the OIG assesses its implementation of internal controls on a regular basis. These assessment activities are described in more detail below. In addition, the OIG was peer reviewed in FY 2009 by the U.S. Department of Homeland Security (DHS) OIG in accordance with *Government Auditing Standards*, established by the Comptroller General of the United States, and the guidelines established by the Council of Inspectors General on Integrity and Efficiency (CIGIE). DHS OIG concluded that the system of quality control for the EPA OIG audit products has been suitably designed and complied with.

The OIG fosters a culture that reinforces the importance of integrity and ethical values in audits, evaluations, investigations, and administrative processes. OIG Policy, *Standards of Conduct*, delineates employees' responsibilities regarding ethical conduct. The OIG ensures employees complete and document annual ethics and security awareness training, annual personal impairment forms, and financial disclosure forms. OIG employees are assigned the responsibility of informing a supervisor of any potential conflict of interest or situation that may impair their independence.

Commitment to maintaining and improving the competence of OIG staff is demonstrated through employee Individual Development Plans (IDP), which assist employees in gaining the appropriate knowledge, skills, abilities, and experience to perform the duties of their positions. The OIG ensures that auditors and evaluators meet *Government Auditing Standards*, established by the Comptroller General of the United States, and document Continuing Professional Education Credits in the OIG Training Information System. OIG investigators comply with the mandatory basic and periodic refresher training requirements contained in the *Attorney General Guidelines for Offices of Inspector General with Statutory Law Enforcement Authority*. OIG staff performance is evaluated twice a year using the Performance Appraisal and Recognition System. Five-tier performance standards are used with specialized cascading performance goals and measures that tie to OIG Strategic Goals and link performance expectations for all levels of employees.

OIG management supports a strong internal control environment for all OIG functions, including financial management, information management systems, personnel operations, monitoring, contracting, performance and semiannual reporting, audits, evaluations, and investigations. Organizational charts for OIG offices are posted on the OIG internal website. Clear lines of authority, responsibility, and reporting relationships have been established in the OIG.

The OIG's Office of Congressional, Public Affairs and Management has responsibility for OIG human resource functions along with the Agency's Office of Human Resources Branch – Las Vegas and an Interagency Agreement with the Office of Personnel Management. It is the OIG's goal to attract, recruit, develop, deploy, and retain a highly skilled and diverse workforce that, working together, accomplishes the highest objectives of the OIG. Although the OIG follows the prescribed human resources policies and procedures established by the Agency, the OIG develops specific human resources policies and procedures as needed.

Periodically, all OIGs are required to undergo a peer review conducted by an external organization to ensure compliance with established standards. See above for a discussion of the FY 2009 peer review of EPA OIG by DHS OIG. Internally, the OIG has instituted its own oversight and quality assurance reviews of audit, evaluation, investigation, and administrative functions. In FY 2009, the OIG conducted an internal review of its timekeeping processes and OIG audit follow-up processes. As part of the OIG's overall quality control system, audit and evaluation reports issued by the OIG are subject to a quality review. This process provides a mechanism to evaluate OIG processes and products against specific quality criteria and serves as a basis for ensuring our results will consistently meet customers' needs and withstand challenges.

PROGRAM REVIEW STRATEGY

Programmatic Operations

The OIG is an independent office within EPA that helps the Agency protect the environment in a more efficient and cost effective manner. The OIG consists primarily of auditors, program analysts, investigators, and other specialists with extensive expertise. Within the OIG are the Offices of Audit (OA); Counsel (OC); Congressional, Public Affairs and Management (OCPM); Investigations (OI); Mission Systems (OMS); and Program Evaluation (OPE).

Office of Audit

OA includes four product lines. The Contracts and Assistance Agreements product line conducts performance audits of EPA's management of contracts, grants, cooperative agreements, and interagency agreements. For selected EPA grant recipients, it conducts financial audits of the costs claimed. It also reviews single audit reports to identify findings affecting EPA funds and issues the reports to EPA for resolution. The Financial Statement Audits Product Line renders opinions on financial statements produced by EPA and conducts performance audits of EPA financial matters for efficiency and effectiveness. The Forensic Audit Product Line conducts financial audits of EPA assistance agreements and contracts to identify potentially fraudulent actions and to determine the acceptability of costs claimed under specific financial instruments. This group also conducts audits involving other EPA financial transactions, such as use of the Government Purchase Card, to identify potentially fraudulent matters. The Risk

Assessment and Program Performance Product Line conducts performance audits of systems of internal control, manpower analyses, and program performance.

The Inspector General Act of 1978, as amended; Government Auditing Standards, established by the Comptroller of the United States; and OIG policies and procedures govern the work in OA. The OA control environment also encompasses external reviews conducted during a reporting period. For FY 2009, those reviews included the peer review conducted DHS OIG, reviews conducted by OCPM on audit follow-up and timekeeping, and a review by OMS on OA's file structure for correspondence. During FY 2009, OA also developed or revised Position Descriptions for GS-15 Product Line Directors and Associate Directors, which have either been classified or are being classified. OA continues to disseminate monthly and quarterly metrics reports which monitor progress against milestones and staff day budgets, present financial results, and contrast the quality scores for audit reports against the OIG average for the total score as well as the supervisory component.

With minor exceptions, OA's audit-related policies are up to date. OA uses all sources of information to assist in maintaining and improving internal controls. The maintenance of an effective control environment within OA ultimately depends on the daily interaction of personnel who understand the importance of effective and efficient controls, are knowledgeable about OA and OIG controls, and promote compliance on a daily basis.

Office of Counsel

OC provides independent legal and policy advice to all components of the OIG on a variety of substantive and procedural matters relating to the OIG's audit, program evaluation, investigation, and public liaison activities. This office also represents the OIG in administrative litigation before the Merit Systems Protection Board, the Equal Employment Opportunity Commission, and the U.S. Department of Labor, and provides representation in other forums as well. OC manages the OIG ethics program by providing ethics training, advice, and financial disclosure reviews. Finally, OC coordinates OIG responses to the Freedom of Information Act (FOIA) and other document requests.

OC engages in necessary control activities appropriate to its support function. OC has internal written policies on purchase card activities (that segregate purchase, approval, and inventory activities); FOIA handling (that separate initial and appeal determinations); OC processes for appropriate assignment, standards, review and measurement of work; specific guidance for the conduct of projects (in draft); and the efficient review process for annual financial disclosures. In addition, OC complies with all other applicable OIG policies and procedures.

Office of Congressional, Public Affairs and Management

OCPM performs communications and resource management functions, including contracting activities. OCPM staff provide communications and liaison services to Congress, the public, and the media. The staff edit, publish, and distribute OIG reports that address needed Agency improvement, and manage information posted on the OIG website. The staff also operate the OIG hotline. The Management, Planning, and Results staff are responsible for OIG's budget formulation, execution, funds control, cost accounting, and monitoring. They also coordinate OIG strategic and annual planning, policies and procedures, audit follow-up, performance measurement and reporting, and internal control assessment. Human Capital staff are responsible for providing OIG-wide direction, policies, and leadership for all aspects of human capital programs and functions and human resources personnel operations and recruitment. They serve as the principal advisors and provide strategies and plans to senior leadership in these areas.

The integrity and accuracy of time reporting, travel authorizations and vouchers are maintained in OCPM through adherence to Agency and OIG policies and procedures, separation of duties, and supervisory reviews. Further, OCPM processes travel authorizations for the OIG and, before funding in the Agency's Integrated Financial Management System, ensures each travel authorization has had supervisory review and approval, and OCPM conducts its own travel authorization review. The OIG Senior Resource Official is in OCPM and exercises strict controllership for the authorization, application, and accountability of funds in compliance with Federal laws and regulations. OCPM ensures that transactions and other significant events are authorized, performed by appropriate personnel, properly classified, and documented.

OCPM maintains the OIG Performance Measurement and Results System (PMRS) for recording and accumulating OIG performance results against annual targets and strategic goals in compliance with the Government Performance and Results Act. Data in PMRS are reviewed periodically for accuracy and completeness. In addition, OCPM works with OMS on an ongoing basis to enhance capabilities and improve system controls over data quality in PMRS. OCPM also worked with OMS in 2009 to improve controls over follow-up data quality in the Inspector General Enterprise Management System (IGEMS).

Office of Investigations

OI employs Special Agents, as well as computer specialists, to perform criminal investigations. The majority of the investigative work is reactive in nature, responding to specific allegations of criminal activity and serious misconduct. The office focuses its investigative efforts on financial fraud (contracts and assistance agreements), computer crimes, infrastructure/terrorist threat, program integrity, and theft of intellectual or sensitive data. Specifically, investigations focus on:

- Criminal activities in the awarding, performing, and paying of funds under EPA contracts, grants, and other assistance agreements to individuals, companies, and organizations.
- Criminal activity or serious misconduct affecting EPA programs that could undermine or erode the public trust.
- Contract laboratory fraud relating to water quality and Superfund data, and payments made by EPA for erroneous environmental testing data and results that could undermine the bases for EPA decision-making, regulatory compliance, and enforcement actions.
- Intrusions into and attacks against EPA's network, as well as incidents of computer misuse and theft of intellectual property or other sensitive data and release of or unauthorized access to sensitive or proprietary information.

OI maintains a system of internal controls to ensure integrity in the investigative process and associated administrative systems. The controls are continually evaluated and updated, as necessary. OI personnel are held to the highest professional and ethical standards as prescribed by established written policy and procedures and are reinforced through meetings and communications with and through the Director of Field Operations, Special Agents in Charge, and all administrative and investigative staff members.

The OI organizational structure reinforces clear lines of authority and responsibility through written policies and procedures that are continually reviewed and updated in accordance with the OIG review/revision schedule and *Attorney General (AG) Guidelines*. When necessary, interim guidance documents are issued to address immediate changes in policies and/or procedures. Responsibilities are also outlined in staff position descriptions, cascading objectives, and a matrix of OI management roles and responsibilities.

In addition to periodic peer reviews conducted by external organizations to ensure compliance with established guidelines, internally, OI has instituted oversight reviews of administrative and investigative operations to ensure compliance with established *AG Guidelines*, and CIGIE standards. All staff members are involved in discussions concerning vulnerabilities and are aware of their responsibilities to bring to the attention of the Assistant Inspector General for Investigations any potential or actual management control weaknesses and are encouraged to provide proposals for improvements.

Office of Mission Systems

OMS performs audits of and issues reports on EPA's information resources management to ensure the Agency is adequately maintaining its systems and data. OMS audits consider how well EPA collects data, manages its investment in information technology, and manages information security and privacy. The office also provides information technology support to the rest of the OIG, manages the technical aspects of the OIG Website, and provides data mining and analysis support to auditors and evaluators throughout the OIG.

OMS routinely performs internal reviews of programs under its responsibility, for example, Records Management. OMS also conducted a Customer Satisfaction Survey of all OIG employees to better understand their needs with respect to OIG information systems, IT hardware and software, and helpdesk and data mining services. From this feedback, OMS will develop work strategies that focus on issues of importance.

The OMS control environment also encompasses internal and external reviews conducted during a reporting period. As needed, OMS responds promptly to implement appropriate corrective measures.

OMS continues to disseminate monthly and quarterly metrics reports that monitor progress against project milestones and staff day budgets, present financial results when applicable, and contrast the quality scores for OMS audit reports against the OIG average for the total score, as well as the supervisory review and documentation component.

Office of Program Evaluation

OPE performs program evaluations that assess and answer specific questions about how well a program is working. The office can assess strategic planning, policy guidance and process implementation to determine whether a program is designed and operating as intended, as well as the extent to which a program is achieving its objectives and having an impact. Evaluations examine root causes, effects, and opportunities leading to conclusions and recommendations that influence systemic changes and promote improved delivery of the Agency's mission. Evaluations may also be designed to increase the understanding of a program. OPE product areas include Air, Water, Superfund/Land, Enforcement, Research and Development, Cross-Media, and Special Reviews. As part of its efforts, OPE also looks at issues involving homeland security.

OPE has mechanisms in place to monitor and review its operations and programs. OPE prepares and disseminates monthly metrics reports on the progress, timeliness, and quality of its work, and sufficient management controls are established to ensure that administrative records are accurate and that work performance remains at a high standard. Oversight is provided by both the supervisory chain and by the peer review process which is conducted both internally and externally on a regular basis. OPE conducts oversight in a number of different areas including timekeeping, purchase cards, OPE contracts, and interagency agreements.

OPE has consolidated all timekeeping under a single timekeeper. At the end of every pay period, the timekeeper conducts a review to determine that every employee in OPE has entered time in IGEMS and People Plus and that these entries agree. If they do not agree, the timekeeper follows up with the staff to correct the entries. The timekeeper prepares a biweekly report on the reconciliation of these two timekeeping systems.

OPE holds a monthly conference call with its entire staff. These conference calls provide a venue where OIG and OPE policies and procedures can be discussed freely. OPE also has a process in place so that staff may submit questions anonymously, and

they are encouraged to do so. The questions have elicited explanations on the rationale behind many OPE decisions and lend transparency and accountability to the management of the organization.

OIG Risk Assessment Process

In addition to the external and internal reviews described above, each OIG Office performs an annual vulnerability assessment using the OIG Vulnerability (Risk) Assessment Tool. The individual OIG Office assessments are combined into an overall assessment for the OIG. For FY 2009, the OIG also performed a Strengths, Weaknesses, Opportunities, and Threats (SWOT) analysis. The SWOT analysis was based on results from two surveys sent to all OIG employees. One survey covered OIG operations, controls, and management issues. The other covered employee satisfaction issues.

OVERARCHING AREAS OF FOCUS

Information Security

Overall, the OIG maintains effective controls over information technology (IT) and security. Existing controls ensure the operability and availability of OIG systems for employee usage. OMS researches and recommends long-range plans for hardware/software purchases to ensure the OIG: (1) can use new technology in a secure and responsible manner, (2) maintains compliance with applicable Agency standards, and (3) responds to new Federal and Agency requirements/initiatives.

To support Agency-wide IT initiatives, the OIG completed the mandatory migration to an Active Directory domain environment by reassigning shared file and print services. Before the end of the fiscal year, the OIG will also upgrade the OIG HQ Lotus Notes servers to Version 8, and implement Federal Desktop Core Configuration standards to OIG computers.

As required by the Federal Information Security Management Act (FISMA), the OIG maintains effective security controls over its networks and application systems. The OIG consistently received top security scores among EPA program offices: 100% with respect to the maturity of our security program, and 99% and 96% for compliance with Windows and NetWare security requirements, respectively. The OIG continually strives to be a role model for other EPA program offices with respect to our Information Security Program by maintaining adequate controls over IT resources. For example, the OIG proactively scans its servers and network environment to identify and address vulnerabilities that can arise from operating system updates. In addition, the OIG promptly processes system patches to address emerging security vulnerabilities (achieved 98% rating), and keeps OIG staff apprised of emerging security threats and scams.

To further address FISMA requirements, the OIG:

- Ensures all OIG employees complete annual Security Awareness Training,
- Ensures employees with significant security responsibilities complete appropriate role-based security training, and
- Complies with new OMB requirements for performing contract or project management duties for IT investments and system development projects.

The OIG consistently enforces Agency and its own policies for protecting sensitive Personally Identifiable Information (PII) by: (1) ensuring OIG employees use approved tools to protect PII when it is transported off-site or accessed remotely, and (2) restricting work practices that would introduce unacceptable risk to the PII collected and/or used in OIG projects.

In September 2008, EPA's Office of Administration and Resources Management (OARM) notified the OIG about a possible, inadvertent disclosure of PII involving social security numbers of OIG employees and personnel involved in OIG investigations. This information was unknowingly released to Agency contractors while the OIG was helping OARM develop a contract audit monitoring application similar to the one used by OIG staff. The application being transferred to OARM, by itself, did not use or store PII; however, we discovered that its nightly update and version control process called upon a sensitive table from an OIG historical database to facilitate mapping of users and assignments. As a result of this discovery, the OIG removed the sensitive information and modified the nightly update process. Moreover, the OIG promptly initiated Agency PII incident evaluation procedures, which corroborated that (1) neither EPA nor OIG systems were breached during the incident, and (2) OIG systems and data remained protected by a strong system of security controls. EPA's evaluation team deliberated all the facts surrounding the incident and ultimately concluded that the disclosure presented little or no risk to the affected individuals. Subsequently, OIG personnel impacted by the accidental release of PII data were officially notified.

In addition, the OIG took the following actions to improve internal controls and prevent future occurrences:

- Strengthened access controls to the OIG contract audit monitoring database,
- Implemented a formal Data Dissemination Procedure (OIG Policy 413 - *Protection of Personally Identifiable Information*), which requires multiple-layer reviews before data can be released outside OMS, and
- Conducted several training sessions on handling PII data.

During FY 2009, the OIG issued a Malicious Code Security Policy to implement controls to minimize the risk that malicious code may compromise the availability, integrity and/or confidentiality of OIG information on user computers, mobile devices, and network resources. The OIG also revised its policy for protecting PII to incorporate new Agency restrictions for transporting and storing sensitive PII, and to institutionalize data dissemination procedures.

Hiring Practices

The OIG works with the Agency's Office of Human Resources Branch – Las Vegas (Team Vegas) and the Office of Personnel Management (OPM), through an Interagency Agreement, to manage the OIG hiring process. The OIG Budget Team is responsible for conducting a budget analysis to determine how many new full time equivalent employees (FTEs) can be funded in the OIG and reports the determination to the Acting Inspector General. Allocation of new FTE positions to each OIG program office is decided by the Acting Inspector General.

To initiate the hiring process, an OIG program office Assistant Inspector General approves and submits a Request for Personnel Action (SF-52). The SF-52 package goes to the OIG Human Capital Director who reviews it for completeness. The OIG Budget Team enters an appropriation code on the SF-52. Then the package is sent to OPM. If the Position Description has not been classified, OPM does the classification. OPM announces the position and, when candidates applications are received, rates and ranks the candidates for certification to the selecting official. After a candidate has been selected, the candidate's package goes to Team Vegas for processing. Although it maintains effective controls over its hiring process, shortage of staff continues to be a challenge for the OIG. Please see the discussion below of the previously identified staffing weakness.

Interagency Agreements

The OIG relies upon the EPA Grants Administration Division to process, control and monitor the few OIG Interagency Agreements which typically amount to less than \$400,000 annually (less than .8% of the annual OIG budget). All OIG Interagency Agreements are with other Federal agencies that are either the exclusive and unique providers of services, or, under the Economy Act, are the documented comparative best value to the OIG in relation to commercial sources. Considering the materiality, specific purposes, and probability for potential vulnerability associated with these Interagency Agreements, we consider these Interagency Agreements to represent an extremely low level of risk to the OIG.

The OIG Contract Specialist and OIG Project Officer Interagency Agreement responsibilities and expectations are addressed in their performance standards and will be covered in related performance appraisal discussions. Additionally, specific standards for those Project Officer responsibilities will be added as needed for the next rating cycle. The previous OIG Contract Specialist, who left the OIG in January 2009, had an addendum to her standard OIG performance agreement, the Agency performance requirements for both Contract and Grants Administration, and was trained and certified with positive education requirements per 41 U.S.C.433, for GS 1102 Contract Specialists for GS 12 and above. The OIG's new Contract Specialist, hired in March 2009, also has a specific performance element for contracting responsibilities, was trained and certified with positive education requirements in accordance with 41 U.S.C. 433, and had an

unlimited warrant in her immediately prior employment at the General Services Administration. As of the date of this letter, the agency has not issued any level warrant to the OIG Contract Specialist but OARM continues to indicate its intention to do so.

Each OIG Interagency Agreement receives meticulous evaluation and documentation by the EPA Grants Administration Division Specialists, who enter and monitor all Interagency Agreements in the Agency Integrated Grants Management System. The OIG also monitors work performed in accordance with the terms of performance. When the terms of the Interagency Agreement are completed, the Grants Administration Division requests OIG approval to close out the Interagency Agreement – unless there is a dispute over performance of services or billing. Since all the OIG Interagency Agreements are explicitly for the performance of work or services through other Federal agencies, there is no further distribution of funds to grantees and, therefore, no open compliance issues or need to assess non-profit applicant capability.

The OIG is required to demonstrate that its accounting structure and system for tracking charges will be adequate to differentiate all applicable and allocable costs to the Interagency Agreement. This is a specific requirement established for Recovery Act Interagency Agreements, since Recovery Act funds are separately tracked for public reporting and have a definite expiration period. In addition, all Interagency Agreements are carefully reviewed by the Senior Resource Official and Funds Certifying Officer to ensure that they meet all requirements of appropriation law as to appropriateness of funding, timing, legality, and value. While the OIG is currently in a transition period between agency processing and independent contracting by the OIG, the Agency Grants Administration Division provides guidance and control over processing and monitoring of OIG Interagency Agreement for compliance with OIG audit recommendations and to further the goals of the Grants Management Plan.

Audit Follow-up

While the Agency's guidance emphasizes that EPA is responsible for audit follow-up, the Office of Management and Budget Circular A-50 describes audit follow-up as a shared responsibility between Agency management officials and auditors. In FY 2009, the OIG conducted an internal review of its audit resolution and follow-up processes as one of the elements of the OIG Follow-up Improvement Strategy, which was developed to identify ways both the OIG and the Agency can promote timely and effective action on OIG recommendations. The purpose of this internal review was to determine whether improvements were needed in the OIG audit resolution and follow-up processes. According to Circular A-50, resolution occurs for most audits when the OIG and the Agency agree on a corrective action plan for implementing report recommendations.

After the OIG has issued a report to the Agency with recommendations, it is the Agency's responsibility to develop a plan and implement corrective actions to address the recommendations and problems identified. However, the OIG must conduct proper OIG resolution procedures as a prerequisite to the Agency taking the agreed-to actions. In

addition, the OIG is responsible for electronically transmitting complete, accurate, and timely audit report status information to the Agency's Management Audit Tracking System (MATS). This information is necessary for EPA to begin electronic tracking of the status of its corrective actions. Another important OIG function is following up on selected OIG recommendations to determine whether they have been implemented by the Agency as agreed upon.

The OIG has had some recent noteworthy achievements in improving its follow-up process. The installation of the Inspector General Enterprise Management System (IGEMS), which replaced the Inspector General Operations and Reporting (IGOR) system, is expected to improve OIG resolution and follow-up data quality. The OIG has also shown improvement in planning and conducting more follow-up reviews each year than in the past, and has begun issuing a Compendium of Unimplemented Recommendations along with each Semiannual Report to Congress to improve accountability for, and awareness of, Agency management opportunities for improvement by taking action on audit recommendations.

Although improvements have been made, the follow-up review identified weaknesses in controls over follow-up data quality, follow-up guidance, and improvements needed in some other aspects of the follow-up process. Some issues were addressed during the review, and recommendations were made in the report to remedy other problems found. The report, *Internal Review of the Office of Inspector General Resolution and Follow-up Processes*, currently in draft, makes several recommendations related to data quality in IGEMS, resolution and follow-up guidance, training, corrective action milestone dates, responsiveness of proposed corrective actions, and OIG role in outcomes.

UNLIQUIDATED OBLIGATIONS

The OIG conducted a comprehensive review of its unliquidated obligations in accordance with Title 7, Chapter 3 of the Government Accountability Manual and EPA guidance. The review covered all OIG inactive unliquidated travel and miscellaneous obligations in the Integrated Financial Management System as of March 31, 2009. Any funds that needed to be deobligated were identified and proper documentation was transmitted to the finance center and appropriate administrative organization as applicable. In addition, the OIG keeps documentation to support its decisions on deobligating unneeded funds. Since OIG inactive unliquidated obligations are primarily for travel not taken and other miscellaneous obligations, they do not represent a significant proportion of OIG funds.

ACCOMPLISHMENTS AND BEST MANAGEMENT PRACTICES

In FY 2009, the OIG:

- Continued to develop and transfer OIG applications into a common IT infrastructure, IGEMS, with the goal of achieving a fully-integrated system with single sign-on capabilities.
- Achieved 98% rating for processing system patches to address emerging security vulnerabilities.
- Implemented formal Data Dissemination Procedures to control and protect release of sensitive Personally Identifiable Information.
- Issued a Malicious Code Security Policy to implement controls to minimize the risk that malicious code may compromise the availability, integrity and/or confidentiality of OIG information on user computers, mobile devices, and network resources.
- Revised the OIG policy for protecting PII to incorporate new restrictions for transporting and storing sensitive PII.
- Received top security scores for implementing Federal Information Security Management Act requirements: 100% with respect to the maturity of our security program, and 99% and 96% for compliance with Windows and NetWare security requirements, respectively.
- Coordinated and implemented OIG responsibilities for planning, measuring, evaluating, and reporting under the Government Performance and Results Act, FMFIA, and the Inspector General Act as well as requirements of the Council of the Inspectors General on Integrity and Efficiency.
- Coordinated all budgeting, controllership, and financial management for the OIG including development of the Annual Performance Targets and Budget Submission to the Office of Management and Budget, Congressional Justification, Operating Plan, Working Capital Fund service agreements, accounting codes, and monthly Status of Resources reports.
- Reviewed and commented on regulatory and policy issues and Agency directives.
- Produced the OIG FY 2008 Annual Performance Report.
- Conducted an OIG FMFIA internal control review and reporting process.
- Entered into an Interagency Agreement with OPM to improve the OIG hiring process.
- Prepared periodic vacancy and FTE reports to show status by office, of staffing levels and projections, including ARRA, linked to the budget;
- Prepared quarterly Congressional reports on OIG staffing and vacancy levels.
- Coordinated planning process by theme leading to the development of an Annual Work Plan with an updated revision of the strategic plan goals.
- Developed revised cost accounting process for individual office direct product rates and overhead allocation rates – fully transparent.

- Prepared semiannual compendiums of unimplemented recommendations.
- Performed organization-wide assessment of results and accomplishments.
- Participated in Agency, RAT Board and OIG level performance and activity measurement process for public reporting.
- Worked with the Agency on Recovery Act matters to provide for adequate controls and minimize fraud, waste, and abuse.
- Initiated Recovery Act audit assignments to provide independent assessments of selected Recovery Act matters.
- Established an Efficiency Audits Product Line to better support mission accomplishment.
- Attended specialized training courses and seminars offered by organizations such as the Association of Certified Fraud Examiners.
- Attended numerous job fairs to improve recruitment efforts.
- Identified a weakness in the Agency's approval process for GovTrip and initiated an evaluation of those controls.

CURRENT WEAKNESSES

Staffing

In the OIG assurance letter for FY 2008, shortage of staff was identified as a primary challenge facing the OIG. To address the staffing weakness, the OIG planned to work with Team Vegas to place a high priority on filling vacancies and processing actions in a timely manner. However, Team Vegas experienced a shortage of personnel for performing these duties. As a result, the OIG obtained delegated authority from EPA for examining and classification, and entered into an Interagency Agreement with OPM to speed up the processes for recruitment and classification.

To attract high-quality, entry-level people and a more diverse staff, who can be developed for higher level contributions, the OIG has recruited candidates through the Federal Career Intern Program and Presidential Management Fellows Program. Other efforts include recruiting at various colleges and universities and attending job fairs. Although the OIG has been able to increase its rate of hiring, it has not been able, due to attrition, to achieve its goal of increasing the number of FTEs. In fact, as of the first week of July, the net gain in FTEs was one. In order to address its staffing shortage, the OIG must find ways to decrease its attrition rate; speed up the recruitment process; and reduce the lag time between identifying, selecting, and bringing qualified candidates on board.

In spite of its staffing challenges, the OIG ensures it has an adequate number of qualified personnel to perform Recovery Act duties by shifting experienced and qualified employees into Recovery Act work. As a result, the shortage of staff has not impacted the responsibilities the OIG has under the Recovery Act.

Case Management System

The OIG legacy investigative case management system was identified as a weakness in prior years relative to system functionality, data collection, and analysis capabilities. In FY 2007, the TIGER case management system was launched to replace the previous one. Since TIGER's inception, numerous system weaknesses have been identified and the effort has been plagued with excessive costs and a design that does not enhance the investigative process for end users or produce value added metrics. Additionally to date, the OIG has not realized a fully functioning and integrated case management system that can be used for data analysis and executive decision making. Presently, the OIG is exploring several case management systems used by agencies within the Inspector General community who perform a similar investigative function or mission.

PREVIOUSLY REPORTED WEAKNESSES

Organizational Structure

Due to significant organizational change within the OIG, organizational information on the OIG external and internal Websites was not always current and accurate. To improve the organizational information, OMS provides guidance and works with OIG Content Coordinators to maintain current and relevant office-specific Website information.

Communication Equipment and Accuracy of Working Capital Fund Charges

In its FY 2008 assurance letter, the OIG reported that its comprehensive review of Working Capital Fund (WCF) billing statements found numerous costs associated with individuals who no longer work for the OIG. To address the problem, the OIG instituted additional controls over communication equipment and WCF billing reviews:

- The OIG Human Capital Director sends the OIG Budget Team a weekly list identifying OIG employees who are new and employees who have retired or left for other reasons.
- The OIG Budget Team reviews the registration list of employees with communication devices to determine if employees who have left the OIG are on the registration list.
- If so, the Budget Team cancels the registration through e-business.
- The OIG equipment custodian enters communication equipment in the OIG Inventory Accounting Tracking System when the equipment is received.
- The OIG has included a section on communication equipment in its Funds Control Policy, currently in draft.

Freedom of Information (FOIA) Requests

In FY 2008, the OIG reported that it had an increasing number of pending FOIA requests which had not received responses within the statutory time period. While meeting the 20 day deadline was not always feasible because the OIG had a single FOIA officer, the number of pending requests also continued to grow.

After a year of concerted effort and additional resources, the OIG has substantially reduced the number of pending responses to FOIA requests. The OIG has successfully used the services of a Senior Environmental Employment grantee to assist with some aspects of the FOIA process, trained all OC staff to enable their participation in the process as needed, and streamlined the OIG FOIA process.

NEW OR EMERGING ISSUES

Policy and Procedures

The OIG has identified policy and procedures as an emerging issue due to the number of its policies and procedures that need to be reviewed for reissuance, revision, or cancelation. There is also a concern that the OIG has policies and procedures in numerous documents as well as whether certain documents should more clearly reflect all applicable Government Auditing Standards. In addition, the draft OIG follow-up and draft timekeeping reviews suggest that OIG guidance could be improved for follow-up and a policy on timekeeping in IGEMS should be considered. The OIG will devote the necessary resources to review and update the policies and procedures as required.

Follow-up Data Quality

The internal review of OIG resolution and follow-up processes, found that controls should be improved over data entry and quality in IGEMS. During the review, the OIG implemented some of the needed controls. Recommendations are being made in the report, currently in draft, addressing additional actions that are needed. The OIG expects that the improvements currently in process and implementation of recommendations in the report will significantly improve follow-up data quality in IGEMS.

Records Management

OIG policy and procedures for records management are overdue for review and revision, and current retention practices in the OIG vary. Until the OIG completes its records management review of all offices, any OIG non-compliance with current EPA and Federal records management requirements has not yet been identified. The records management review and efforts to ensure the OIG is in compliance will continue through September 2009 and consist of:

- Revamping the file plan to align with EPA's new Records Management File Codes and provide a guide to assist other OIG offices in complying with the new requirements;
- Providing a 1-day training class to every OIG Records Custodial Officer (RCO);
- Collaborating with RCOs to revise their respective office's file plan and file structures;
- Soliciting feedback from OIG managers and supervisors to ensure all relevant records have been captured in their office's new file plan;
- Conducting a follow-up review to assess each office's ability to maintain paper copy records using the new file plan structure; and
- Revising OIG policy and procedures for Records Management to reflect new roles and responsibilities for managing electronic records via the Agency's Electronic Content Management System.

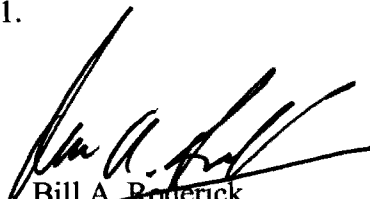
New Product Lines/Business Units

The OIG has created or will be creating new product lines and business units in OA, OPE, and OC. This will involve the selection of new staff and others transferred from another Product Line or Business Unit. A number of the selections may involve persons from outside the OIG.

The newness of the Product Lines/Business Units coupled with new staff will present a challenge for the OIG in planning work and acclimating staff to the OIG environment and policies and procedures. OIG supervisors will need to devote additional attention to project selection and accomplishment. The new Product Lines/Business Units will receive increased management attention, with a focus on assessing progress and reaching solutions to any problems that may arise.

At this time, the OIG does not believe the issues described rise to the level of a material or Agency weakness. The OIG will continue to monitor the issues and report as appropriate.

If you or your staff have any questions or require additional information, please contact Eileen M. McMahon, Assistant Inspector General for Congressional, Public Affairs and Management at (202) 566-2391.



Bill A. Roderick
Acting Inspector General

Attachment

cc: OIG/Assistant Inspectors General

To: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]
Cc: "Gina (Sheila) McCarthy" [mccarthy.gina@epa.gov]; Diane Thompson"
[thompson.diane@epa.gov]
From: CN=Scott Fulton/OU=DC/O=USEPA/C=US
Sent: Tue 8/18/2009 1:38:15 PM
Subject: Re: One more OMB request...

Hi Folks - A related piece here is the potential overtarget request for energy and climate resources which, thankfully, Gina and Beth are also working on. We'll schedule a briefing for LPJ on the overtarget piece once Gina and Beth have done their magic; the piece Sally is requesting would, I think, not only have stand-alone potential, but also be framed as part of the overtarget request.

Gina - fyi, the starting concept that OCFO put together for the overtarget request did not deal with the State/Tribal implementation piece, which strikes me as potentially quite significant. I am hoping that that you can size this up in in your enhancement of the concept.

Cheers,

Scott

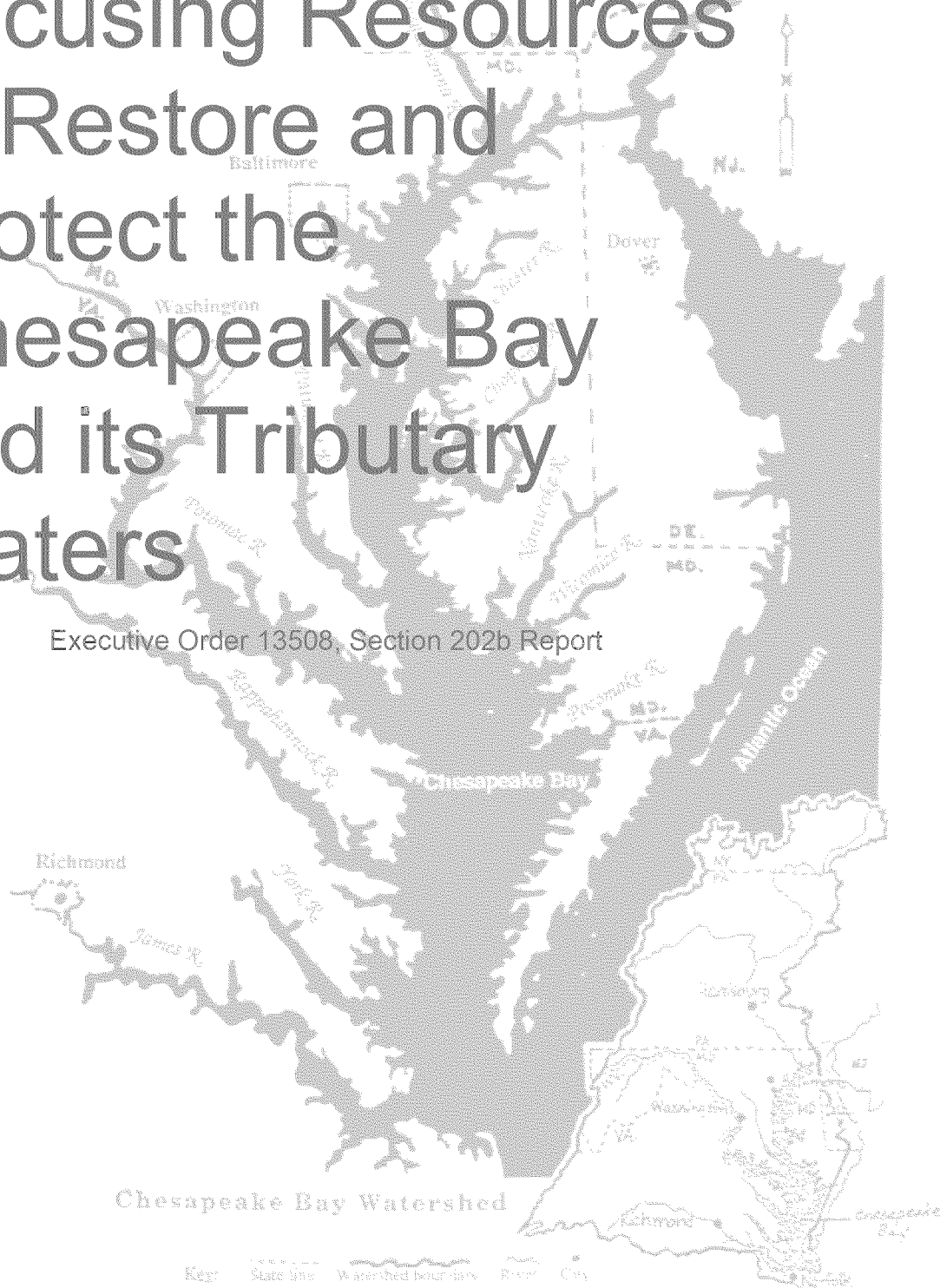
-----Richard Windsor/DC/USEPA/US wrote: -----

To: "Gina (Sheila) McCarthy" <mccarthy.gina@epa.gov>, "Diane Thompson" <thompson.diane@epa.gov>, "Scott Fulton" <Fulton.Scott@epamail.epa.gov>
From: Richard Windsor/DC/USEPA/US
Date: 08/17/2009 08:32PM
Subject: One more OMB request...

Sally Ericsson mentioned to me that she would welcome analyses of EPA resource needs for climate -both assuming no bill passes and we simply need to do work and assuming a bill passes. Gina - Can you or Beth work (under extremely close hold) on such analyses so we can discuss in our next 1 on 1 and then ultimately get to Sally? Tx. Lisa

Focusing Resources to Restore and Protect the Chesapeake Bay and its Tributary Waters

Executive Order 13508, Section 202b Report



About this Document

Deliberative

**NOTE: THIS DOCUMENT DOES NOT YET INCLUDE THE U.S.
ENVIRONMENTAL PROTECTION AGENCY'S LANGUAGE,
FORTHCOMING**

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Executive Summary

[forthcoming]

Background

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Current Investments and Approaches

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Deliberative

Table 1. Summary of Key Federal Programs Delivered in the Chesapeake Bay Watershed

Agency	Program Name	Description
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Deliberative

Agency	Program Name	Description
<h1 data-bbox="219 970 1404 1142">Deliberative</h1>		

Agency	Program Name	Description
<h1 data-bbox="219 970 1421 1142">Deliberative</h1>		

Agency	Program Name	Description
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Deliberative

Agency	Program Name	Description
<h1 data-bbox="219 965 1421 1138">Deliberative</h1>		

Agency	Program Name	Description
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Deliberative

Agency	Program Name	Description
<h1 data-bbox="207 871 1398 1037">Deliberative</h1>		

Table 2. Selected Program Investments, 2004 - 2008

Agency	Program	2004	2005	2006	2007	2008	Total
<div>Deliberative</div>							

Non-Official Internal Working Draft - For Discussion Only

8/12/09

Section 313 - Water Resources Development

COE Act of 1992, as amended

\$

Deliberative

Recommendations

Deliberative

Deliberative

Deliberative

Deliberative

Deliberative

Table 3: Priority conservation practices identified by States for the Chesapeake Bay Watershed Initiative, 2009

Pennsylvania	New York	Virginia
<h1>Deliberative</h1>		

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Table 4. Summary of Recommendations and Proposed Actions

Action	Recommended Timeframe	Responsible Federal Partner
<div>Deliberative</div>		

Deliberative

Appendix A. Listing of priority tributary watersheds by name, HUC identification number, and acreage.

Deliberative

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How would EPA measure emissions from industrial agriculture facilities? EPA's methodologies for reporting greenhouse gas emissions associated with manure management systems are based on EPA's Inventory of U.S. GHG Emissions and Sinks, as well as the Intergovernmental Panel on Climate Change (IPCC) Guidelines for National GHG Inventories.

The selected methodologies to estimate emissions require the use of facility-specific data on the number and types of animals managed, the characteristics (i.e., volatile solids and nitrogen content) of the manure managed, the percent of manure managed in each type of manure management system and climate. These inputs are coupled with reference book values on manure excretion rates and animal mass (with an option for facilities to use site-specific data), as well as emission factor data for methane and nitrous oxide.

For systems with biogas collection and combustion, the selected methodology requires the use of facility-specific data on the volume and composition (i.e., methane content) of biogas collected and operating characteristics (temperature and pressure) of the system. These values are coupled with reference book values on methane collection and destruction efficiency of the biogas system to estimate the amount of methane that is emitted from these systems. Emissions of CO₂, CH₄ and N₂O from supplemental fuels used in flares on these systems must also be estimated following the requirements of subpart C in the rule text.

How much would this cost? EPA estimates that the average cost to conduct the monthly laboratory testing of the manure for volatile solids and nitrogen content and do the emissions calculations would be approximately \$900/year/facility. Numerous comments have been received on the requirement to conduct monthly manure sampling and the burden this would place on facility operators. If this requirement were modified to reduce the frequency of manure sampling or use alternate approaches to obtain the data the annual cost per facility would be reduced. EPA has also proposed several options for reducing the burden on livestock facility operators that are uncertain if they exceed the 25,000 metric tons CO₂ equiv. threshold. These could include look up tables specific to regions and facility types, along with spreadsheet models utilizing readily available data.

What type of industrial agriculture facilities would be affected? EPA estimates that approximately 87 facilities would have to report at the 25,000 metric tons CO₂ equiv. threshold. This would include 57 beef facilities (feedlots with over 52,000 animals), 21 dairy facilities (large operations using anaerobic lagoons or slurry systems) and 8 swine facilities (farrow-to-finish operations using anaerobic lagoons).

What could the consequences be of exempting these facilities? The annual greenhouse gas footprint of an industrial agriculture facility that would report under the proposed rule is very large and comparable to the footprints of manufacturing facilities in other industries, including food processing, glass and ceramics, and even potentially some small power plants. If these agriculture facilities are exempted, there is a strong possibility that a large number of industries that in aggregate represent a significant share of emissions would also push to be exempted on the basis of equity. This result could potentially lead to the reporting system unraveling.

What are some of the benefits of including these facilities? The data collected through this effort will assist EPA in better understanding the current and future emissions from manure management systems. This will serve to inform federal government analysis on potential future policies for mitigation of these emissions, such as offsets. Additionally, the data collected through this effort will improve the US GHG Inventory estimates through improved activity data.

How would measuring CAFO emissions help agricultural facilities lay a baseline for the potential verification of future offsets? The data collected would enhance the availability of facility-specific data that is currently not obtained through existing data collection efforts. The facility-specific activity and emissions data reported through the proposed reporting rule would improve the estimate of the number of facilities having the potential to produce large quantities of emissions reductions through an offsets program, as well as the total quantity of emissions reductions that could be expected from manure management projects. Manure management practice data reported under the proposed rule would provide important information for establishing baselines for this project type. The activity data elements that would be reported could be used along with facility-specific emissions data to develop metrics for verification for an offsets program.

Facilities that calculate and report emissions under the proposed rule would be able to recognize the offsets potential of their manure management systems, and could be at an advantage over facilities that are not reporting under the proposed rule, in that they would already have stringent monitoring and data systems in place to calculate baselines and emissions reductions.

Further, the accurate reporting of emissions from manure management systems will improve the confidence of offset buyers and the environmental community in the ability of these project activities to produce accurately monitored and verifiable emissions reductions.

To: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]
Cc: CN=Aaron Dickerson/OU=DC/O=USEPA/C=US@EPA;CN=Robert Goulding/OU=DC/O=USEPA/C=US@EPA[]; N=Robert Goulding/OU=DC/O=USEPA/C=US@EPA[]
From: CN=Diane Thompson/OU=DC/O=USEPA/C=US
Sent: Tue 8/18/2009 2:10:22 PM
Subject: Fw: Talking Points: American Recovery and Reinvestment Act

FYI

Diane E. Thompson
Chief of Staff
U. S. Environmental Protection Agency
202-564-6999
----- Forwarded by Diane Thompson/DC/USEPA/US on 08/18/2009 10:09 AM -----

From: "Milakofsky, Benjamin E." [Personal Privacy]
To: "Lu, Christopher P." [Personal Privacy] "Smith, Elizabeth S." [Personal Privacy]
"Kimball, Astri B." [Personal Privacy], "Hurlbut, Brandon K." [Personal Privacy]
"French, Michael J." [Personal Privacy]
"Milakofsky, Benjamin E." [Personal Privacy]
Date: 08/17/2009 04:14 PM
Subject: Talking Points: American Recovery and Reinvestment Act

Dear Chiefs of Staff:

Please see the latest talking points on the Recovery Act.

--Cabinet Affairs

American Recovery and Reinvestment Act
Talking Points, 8/17/09

Greatest Economic Crisis in a Generation

When President Obama took office, we were facing the greatest economic crisis in a generation and the economy was on the precipice of a second depression or great recession.

- The economy that was losing, on average, 700,000 jobs a month.
- The growth rate had hit negative 6.3 percent – the worst since the 1982 recession.
- Foreclosures were at record levels and residential investment had fallen by more than 40 percent in just eighteen months.
- Banks were in crisis and freezing lending.
- And nearly \$10 trillion in wealth had been lost in the stock market which was on a steady downward spiral.

Creating Stability, Helping Those Harmed

In the first six months, the Recovery Act – along with our other economic initiatives – has worked to stabilize economic conditions and help those harmed by the economic crisis.

We are not in recovery yet - but we have created the stability necessary to get us there.

Our economic problems are years in the making and they won't be solved overnight – but the Recovery Act has helped pull us back from the brink and avoid the peril that could have befallen us.

In the first full quarter of the Recovery Act:

GDP fell much more slowly – at a rate of 1 percent - than the last two quarters when it fell at a rate of 6 percent. State and local spending increased 2.4 percent - an unexpected reversal that links directly to fiscal relief to the states - after falling for the last six months.

Household income grew at a yearly rate of almost 5 percent following declines in the previous nine months.

Business investment contracted much less than expected, as confidence is slowly returning to the economy.

We acted quickly, moving assistance to hard-hit families, businesses and state governments to help those harmed by the recession immediately after the Recovery Act was signed.

Now, because of the Recovery Act:

- Ninety-five percent of working families are already seeing the benefits of the Making Work Pay tax credit in their paychecks.
- Those dealing with a job loss are collecting an extra \$25 a week in unemployment benefits – assistance more than 12 million Americans have already benefited from.
- Families relying on COBRA health insurance are paying 65 percent less for their health coverage.
- Families qualifying for food assistance through the Supplemental Nutrition Assistance Program (SNAP) have seen their benefits increase by over 13 percent.
- Over fifty-one million seniors, as well as veterans and other high-need groups, have received \$250 relief payments in the mail.
- More than 7 million low and moderate-income students will receive a 15 percent increase in their Pell Grant awards to help pay for college.
- State governments have received over \$34 billion in additional Medicaid funds at a time when they are facing record budget shortfalls.
- And tens of thousands of teachers, law enforcement officials and firefighters are staying on the job at our schools, police stations and firehouses because of the billions of dollars in Recovery Act assistance we moved to state and local governments.

Creating and Saving Jobs

The Recovery Act is working to stem job losses and rebuild our economic base.

We are losing fewer jobs than we were before the Recovery Act was signed.

In January, the month before the Recovery Act was signed into law, the economy lost 741,000 jobs – the largest job loss in a single month in over half a century.

By June, the economy was losing one-third fewer jobs than it was at the start of the year.

Countless businesses – both small and large – have said they have avoided layoffs thanks to the Recovery Act.

And the significant technology and infrastructure investments we are making today are not just creating jobs now, but laying the groundwork for our economic growth in the future.

Over 30,000 Recovery Act projects - ranging from community health center expansions to military facility upgrades to transportation construction jobs - have already been approved.

More than \$24 billion has been made available to fund over 7,400 shovel-ready transportation construction projects – over 4,000 of which are already underway.

Over \$369 million has been put to work improving rural water systems.

\$2 billion has moved out to state governments and community organizations to fund weatherization programs that improve the energy-efficiency of low-income homes.

Nearly half a billion is funding long-overdue clean-ups of Superfund sites.

These projects not only create jobs directly through contractors receiving awards, but also create a ripple effect across the entire construction industry as demand for supplies and services increases.

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We have already approved over 30,000 Recovery Act projects - while still subjecting every dollar of Recovery Act spending to unprecedented standards for efficiency and accountability.

Wasteful or unwise projects are rooted out and rejected up front.

Not a single Recovery Act project is funded as a result of an earmark or political considerations.

Recovery Act projects are coming in as much as 10, 20 – even 30 – percent under-budget, which means more

money available to fund more projects that put more people back to work.

And Recovery.gov, the one-stop shop where the public can see how Recovery dollars are being put to work is updated weekly with the latest spending information.

In fact, our critics are able to crunch the latest numbers and investigate our work precisely because of the historic level of information available to the public on the site.

Right On-Schedule

We're right on-schedule— and in many cases, we're ahead of schedule – when it comes to putting Recovery Act funds to work creating jobs, aiding states and jump-starting shovel-ready projects.

In fact, economic and budget expert Stan Collender recently noted that “it would be hard to move more quickly.” Our efforts are unfolding exactly as planned.

We originally said we would spend 70 percent of the funds by September 2010 – and we're on-track to do exactly that.

So far, about 32 percent of the funds have been put to work in about 29 percent of the days of the Recovery Act. Of the \$499 billion in Recovery Act spending, over \$200 billion has already been obligated to programs and projects.

We have been putting Recovery dollars to work at a rate of over \$1 billion a day.

Of the \$288 billion in Recovery Act tax relief, over \$53 billion has already been applied.

And when it comes to two critical priorities – moving aid to states and jump-starting shovel-ready projects that create jobs – we are actually ahead of schedule:

Highway Projects - The Recovery Act set an ambitious benchmark that all states had to put at least 50 percent of their highway dollars to work in just 120 days. Every state not only met that goal, but exceeded it by at least 10 days.

Aid to States - At a time when states are facing record budget shortfalls, the Government Accountability Office (GAO), Congress's watchdog, noted that Recovery Act funds are moving to states “faster than anticipated.”

Just Getting Started

We've made a lot of progress in the first six months – but we're just getting started.

We had always hoped that we would be able to lay the groundwork in the first 100 days to ramp up our efforts in the second – and now we're doing exactly that.

In June, the President and Vice President announced 10 major Recovery Act projects that are starting across the country over the summer including:

Rehabilitation and improvement projects at 98 airports and over 1,500 highway locations.

Improvements to 90 veterans medical centers in 38 states.

Construction of 200 new waste and water systems in rural communities.

2,300 construction and rehabilitation projects at 359 military facilities.

Billions of dollars of grant programs established in the first phase of the Recovery Act are now starting to award funds to businesses, local governments and community organizations.

EPA is awarding nearly \$300 million in contracts to communities in 12 states throughout the country for everything from the cleanup of abandoned industrial sites, to the securing of clean drinking water reservoirs.

Nearly a billion dollars in Community Development Block Grants are heading out the door to local government and community organizations over the summer.

\$2.4 billion in grants to jumpstart the manufacture of electric vehicle batteries and other next generation energy-efficient cars were awarded this month.

At the end of the summer, we will start awarding over \$15 billion in grant funds for three visionary Recovery Act programs – broadband, high speed rail and smart grid – that will not just create jobs now, but shape America's economy in the 21st century.

And while we made steady progress putting funds to work in the first half of this calendar year, we plan to put approximately double that amount to work in the second half of the year.

No Turning Back

Because of our efforts, the economy has stabilized and we are beginning to see some early signs of progress – but we are not out of the woods yet.

Unfortunately, the same critics who wanted to do nothing as we teetered on the edge of a depression or a great recession now want to undo the work we have done.

But the risk of reversing course now remains high and the greatest mistake we could make is to let up now. We're still far too close to the economic precipice we faced just a short time ago.

Our economic challenges are the result of years of deferred problems and it's not going to be enough to just begin to rescue the economy – we need to rebuild it better.

The road to recovery is long, but with every Recovery dollar we spend and project we start, we are one step closer to getting there.

To: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA;"Seth Oster" [oster.seth@epa.gov]; Seth Oster" [oster.seth@epa.gov]; Bob Sussman" [Sussman.bob@epa.gov]
Cc: "Diane Thompson" [thompson.diane@epa.gov]
From: CN=Bob Sussman/OU=DC/O=USEPA/C=US
Sent: Thur 8/20/2009 12:29:52 AM
Subject: Re: Google Alert - lisa jackson epa
[EPA Releases Toxics Data Early](#)
[See all stories on this topic](#)
[Remove](#)
[Create](#)
[Manage](#)

Yes. That would be very nice.

From: Richard Windsor
Sent: 08/19/2009 07:57 PM EDT
To: "Seth Oster" <oster.seth@epa.gov>; "Bob Sussman" <Sussman.bob@epa.gov>
Cc: "Diane Thompson" <thompson.diane@epa.gov>
Subject: Fw: Google Alert - lisa jackson epa

Well done folks! Shall I thank Linda too?

From: Google Alerts [googlealerts-noreply@google.com]
Sent: 08/19/2009 11:45 PM GMT
To: Richard Windsor
Subject: Google Alert - lisa jackson epa

Google News Alert for: lisa jackson epa

EPA Releases Toxics Data Early

OMB Watch

In a news release, EPA Administrator Lisa Jackson said, "While we are still analyzing this information, we hope this raw data will be reviewed and used ...

[See all stories on this topic](#)

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Manage your alerts.

To: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]
Cc: CN=Diane Thompson/OU=DC/O=USEPA/C=US@EPA[]
From: CN=Aaron Dickerson/OU=DC/O=USEPA/C=US
Sent: Tue 8/18/2009 2:53:26 PM
Subject: Re:

Wow. I understand you may be in tomorrow, if so, we will reschedule the PCB briefing for the morning. I will also reschedule your other 2 appts, so next on your calendar will be the 12:00 call with Sec. Vilsak.

From: Richard Windsor/DC/USEPA/US
To: Diane Thompson/DC/USEPA/US@EPA
Cc: "Aaron Dickerson" <dickerson.aaron@epa.gov>
Date: 08/18/2009 10:43 AM
Subject: Re:

This dental apptmt is taking a long time. Likely will be in in an hour. Sorry. Yikes.

----- Original Message -----

From: Diane Thompson
Sent: 08/18/2009 10:10 AM EDT
To: Richard Windsor
Cc: Aaron Dickerson; Robert Goulding
Subject: Fw: Talking Points: American Recovery and Reinvestment Act

FYI

Diane E. Thompson
Chief of Staff
U. S. Environmental Protection Agency
202-564-6999

----- Forwarded by Diane Thompson/DC/USEPA/US on 08/18/2009 10:09 AM -----

From: "Milakofsky, Benjamin E." [Personal Privacy]
To: "Lu, Christopher P." [Personal Privacy], "Smith, Elizabeth S."
[Personal Privacy], "Kimball, Astri B." <[Personal Privacy]> "Hurlbut,
Brandon K." [Personal Privacy], "French, Michael J."
[Personal Privacy], "Milakofsky, Benjamin E." [Personal Privacy]
Date: 08/17/2009 04:14 PM
Subject: Talking Points: American Recovery and Reinvestment Act

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To: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA;CN=Seth Oster/OU=DC/O=USEPA/C=US@EPA;CN=Diane Thompson/OU=DC/O=USEPA/C=US@EPA[]; N=Seth Oster/OU=DC/O=USEPA/C=US@EPA;CN=Diane Thompson/OU=DC/O=USEPA/C=US@EPA[]; N=Diane Thompson/OU=DC/O=USEPA/C=US@EPA[]
From: CN=Bob Sussman/OU=DC/O=USEPA/C=US
Sent: Thur 8/20/2009 7:10:26 PM
Subject: Re: Coalfields Visits

I agree.

----- Original Message -----

From: Richard Windsor
Sent: 08/20/2009 10:25 AM EDT
To: Bob Sussman; Seth Oster; Diane Thompson
Subject: Re: Coalfields Visits
Diane,

Deliberative

----- Original Message -----

From: Bob Sussman
Sent: 08/20/2009 10:09 AM EDT
To: Seth Oster; Richard Windsor; Diane Thompson
Subject: Fw: Coalfields Visits

----- Original Message -----

From: Gregory Peck
Sent: 08/20/2009 09:50 AM EDT
To: Peter Silva; Bob Sussman
Subject: Coalfields Visits

The interagency mining outreach team met yesterday afternoon regarding the proposed "tour and public meetings" in the Appalachian coalfields. The group agreed that it would be best to have senior career people host the public meetings in WV and KY. DOI, Corps, and EPA reps from the field and HQ would host the public meetings. Visits by senior leadership from the agencies would follow and would involve meetings with Governors, perhaps editorial board discussions and similar activities. We'll get you more as this proceeds.

Thanks for your guidance on this.

Greg

Gregory E. Peck
Chief of Staff
Office of Water
U.S. Environmental Protection Agency

1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

202-564-5778

To: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]
Cc: []
From: CN=Diane Thompson/OU=DC/O=USEPA/C=US
Sent: Thur 8/20/2009 9:29:52 PM
Subject: FYi wkly cab rept
EPA_08.24.09.doc

-

Diane E. Thompson
Chief of Staff
U. S. Environmental Protection Agency
202-564-6999

To: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]
Cc: []
From: CN=Diane Thompson/OU=DC/O=USEPA/C=US
Sent: Tue 8/18/2009 10:25:31 PM
Subject: Fw: Gulf Coast Rebuilding Weekly Update-- August 14, 2009
timothy.fraser@dhs.gov

FYI

Diane E. Thompson

Chief of Staff

U. S. Environmental Protection Agency

202-564-6999

----- Forwarded by Diane Thompson/DC/USEPA/US on 08/18/2009 06:25 PM -----

From: "Whelan, Moira" <Moira.Whehan@dhs.gov>

To: "Leshner, Jan" <Jan.Leshner@dhs.gov>, "Wareing, Tracy" <Tracy.Wareing@dhs.gov>, "Kayyem, Juliette" <Juliette.Kayyem@dhs.gov>, "Tennyson, Stephanie L" <Stephanie.Tennyson@dhs.gov>, "Smith, Sean" <Sean.Smith@dhs.gov>, "Kuban, Sara A" <Sara.Kuban@dhs.gov>, "McNamara, Jason" <Jason.Mcnamara@dhs.gov>, "Fugate, Craig" <Craig.Fugate@dhs.gov>,

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<[Personal Privacy] frederick.tombariii@hud.gov>, <brian.gill@hud.gov>, "McDonald, Blair" <Blair.Mcdonald@dhs.gov>, <laura.petrou@hhs.gov>, <rima.cohen@hhs.gov>, "Contreras, January" <January.Contreras@dhs.gov>, "Gordon, Andrew S" <Andrew.Gordon@dhs.gov>, <[Personal Privacy]

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<jeffrey.riddel@hud.gov>, <david.vargas@hud.gov>, <mark.miszack@fema.gov>, "Fox, Katherine B"

<Katherine.B.Fox@dhs.gov>, <[Personal Privacy] "Monchek, Rafaela"

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<[Personal Privacy] Jim Hanlon/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA,

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<james.rivera@sba.gov>, <eric.zarnikow@sba.gov>, <chris.chan@sba.gov>, <ana.ma@sba.gov>,

<Matthew.Yale@ed.gov>, <johnr.gingrich@va.gov>, <mark.a.linton@hud.gov>, <alexia.kelley@hhs.gov>,

<cgrant2@doc.gov>, "Myers, David" <David.Myers1@dhs.gov>, "Schwartz, Alison" <Alison.Schwartz@dhs.gov>, <april.springfield@hhs.gov>, <Stephanie.Fine@ed.gov>, <katie.roberts@va.gov>, "Kasdan, Matt" <Matt.Kasdan@dhs.gov>, <

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Cc: "Woodka, Janet" <Janet.Woodka@dhs.gov>, "Banta, Drue" <Drue.Banta@dhs.gov>, "Watson, Shannon" <Shannon.Watson@dhs.gov>, "Fraser, Timothy" <Timothy.Fraser@dhs.gov>, "Simms, Nathan" <Nathan.Simms@dhs.gov>, "Stewart, Jessica" <Jessica.Stewart@dhs.gov>, "Goucher, Rob" <rob.goucher@dhs.gov>, "Lundqvist, Hanna R" <Hanna.Lundqvist@dhs.gov>, "Gehring, Wendy" <Wendy.Gehring@dhs.gov>, "McConnell, Scott" <Scott.Mcconnell@dhs.gov>, "Lockett, Terrence" <Terrence.Lockett@dhs.gov>

Date: 08/14/2009 05:03 PM

Subject: Gulf Coast Rebuilding Weekly Update-- August 14, 2009

Office of the Federal Coordinator for Gulf Coast Rebuilding
Weekly Update 8/14/2009

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This Week

The White House released a series of documents regarding the anniversary of Hurricane Katrina to Congressional stakeholders, opinion leaders and state and local elected officials. The documents include a general overview of Administration efforts, factsheets developed by FEMA and HUD, and a timeline of Administration accomplishments and announcements developed by GCR.

VA Secretary Shinseki addressed the AmVets Convention in New Orleans this week, at which he again confirmed that the VA will build the new hospital. The Secretary also said that the new academic medical center is a critical component for the new VA.

Federal Coordinator Janet Woodka participated in the Friends of New Orleans panel discussion: "Housing, Education and Health in New Orleans Today" at the Aspen Institute in Aspen, CO. She was interviewed on Plum TV and participating in several panels discussing rebuilding issues such as housing, education, health care, and infrastructure.

VA held two meetings in New Orleans this week to discuss the progress of the new hospital in New Orleans. The first meeting was an in-person "partners meeting," replacing the biweekly conference call for representatives from the New Orleans city government, Louisiana Office of Facility Planning and Control, FEMA, VA, Advisory Council on Historic Preservation, and the State Historic Preservation Office. The City and state reported that they are having trouble finding qualified appraisers to assess the value of the properties. The second meeting was a "consulting parties" meeting which community groups and others were invited to view the latest design plans for the site and make comments. There will be a 14 day open comment period for these newest designs. The Times Picayune reported on this second meeting in Thursday's paper. The article cites Don Orndoff from the VA as saying that the State and the Governor himself have committed to the VA that the State will build a hospital on the site adjacent to the VA's site.

Federal Coordinator Woodka convened a pre-Katrina anniversary discussion for Congressional staff.

Representatives from Sen. Landrieu, Rep. Melancon, Rep. Scalise, Rep. Harper, Rep. Alexander, and Rep. Cao's offices attended. They discussed the Obama administration's priorities in the Gulf Coast, and touched on housing, health care, FEMA, and Sewerage and Water Board issues.

Federal Coordinator Woodka met with staff from the office of Rep. Maxine Waters (D-CA) in advance of Rep. Waters' field hearing August 20-21.

In a television interview this week, Gov. Jindal announced that he is working with Tulane and LSU to resolve the governance issue for the academic medical center. He also affirmed that the delayed governance resolution will not set back the building of the academic medical center or the new VA, and that construction on the new academic medical center will begin next year.

ABC news aired a story on the closure of the New Orleans Adolescent Hospital. Louisiana Department of Health and Hospitals Secretary Alan Levine hosted an informational meeting on upcoming FMAP changes for Louisiana. Levine encouraged local groups to engage their counterparts in other states, as this may be an issue for other disaster-affected states. This meeting was highlighted in the Baton Rouge Advocate. GCR staff toured the SWBNO Carrollton Water Treatment Plant and met with Jill Vialet, the President and Founder of Playworks: Education Energized. GCR staff also met with Louisiana Public Health Institute, St. Thomas Community Health Clinic, Daughters of Charity Health Center, St. Bernard Medical Center, and Tulane's Covenant House to discuss the expenditure of the Primary Care Access Stabilization Grant. The clinics would like to see an extension to expend the already appropriated funds.

Comings and Goings

Secretary Napolitano, FEMA Administrator Fugate, and Federal Coordinator Woodka will participate in an event celebrating the SUNO PA award on August 17.

The newly appointed director of the U.S. Census Bureau, Robert Groves, will make his first national appearance Tuesday, Aug 18 in New Orleans during a daylong conference designed to raise awareness about the 2010 Census. The Louisiana Office of Facility Planning and Control will be hosting a consulting parties meeting on August 18 to present the most recent designs for the new academic medical center in Mid-City.

The Deputy Director of the OMB and several members of the OMB staff will visit the Gulf Coast August 18-21 to visit various sites. They are being supported by DHS, GCR, FEMA, HUD and USACE.

CNN will travel to New Orleans this week to conduct interviews and gather material for upcoming Anniversary stories.

Rep. Maxine Waters will hold a field hearing August 21-22 on housing-related issues in New Orleans. The hearing will focus on the Road Home program and the "Big 4" housing redevelopments in New Orleans, and will include witnesses from HUD, the LRA, the Brookings Institution, and the developers of the Road Home program and the housing redevelopments. New Orleans mayor Ray Nagin will also testify.

Tony Miller, the Deputy Secretary at the Department of Education, will travel to New Orleans on August 25 for the official dedication of Langston Hughes Academy. The event will be attended by Janet Woodka (GCR), Tony Russell (FEMA) as well as local and state officials.

Corps Lt. Gen. Van Antwerp is also expected to travel to the region August 26-27.

HUD Secretary Shaun Donovan as well as several Assistant Secretaries will travel to New Orleans August 27-28 around the Katrina anniversary.

The Senate Republic Conference has reserved space at the Tulane School of Medicine for an "invitation only" health care forum on August 28.

The US Army Corps of Engineers (Corps) is hosting a Mitigation Workshop on August 31, 2009 to discuss potential wetland mitigation alternatives associated with the unavoidable construction impacts related to hurricane protection projects in New Orleans.

The House Appropriations Surveys and Investigations report on the Corps is due September 2009.

In March, the National Fusion Center Conference will take place in New Orleans, to include heavy attendance by DHS officials as well as other agencies.

GAO is expected to release a report on the federal funds expended relating to Katrina in December.

Forthcoming

The next two weeks, GCR will work with all of our federal partners to demonstrate the breadth of the Administration's commitment to Gulf Coast rebuilding efforts.

In addition to the trips detailed above, GCR is organizing a volunteer effort of Federal employees to assist in building homes with various organizations throughout the New Orleans area. If you are interested in participating, please contact Tim Fraser at timothy.fraser@dhs.gov. Thanks to those who have already contacted us and we look forward to work with you. We expect this to be a well attended event that in addition to assisting the people of the Gulf Coast, will also bring attention to the President's National Day of Service on September 11.

In order to provide our federal partners with the most up to date information, GCR's Weekly Update will be delivered on Monday, August 24 instead of our usual Friday. The update will include a full rundown of Anniversary related activities.

Moira Whelan
Deputy, Office of the Federal Coordinator for Gulf Coast Rebuilding
202-325-0196

WEEKLY CABINET REPORT
Environmental Protection Agency
Week of August 24, 2009

ARRA Implementation Update

As of August 19, EPA has obligated 84% (over \$5.9 B) of its total ARRA allocation and 87.3% (over \$5.3 B) of its formula grants. Over the next week, EPA plans to award up to 17 additional grants and contracts across the EPA ARRA programs, totaling over \$138.6 million. The District of Columbia, Indiana, and Wisconsin will receive ARRA Water State Revolving Fund resources totaling approximately \$121.3 million. Virginia, North Carolina, and Washington will receive almost \$3.1 million in National Clean Diesel Funding Assistance. Michigan, Wisconsin, Iowa, and Montana will receive \$1.4 million in ARRA Brownfield Assessment and Cleanup resources. Maryland, Georgia, and Colorado will receive almost \$12.2 million for Superfund site cleanup. The District of Columbia will receive over \$600,000 under the Senior Environmental Employment Program for management and organizational support.

Potential or expected press stories

Deliberative

Deliberative

Potential or expected legislative/policy issues

Policy

Deliberative

Legislative – Upcoming Congressional Hearings

The House and Senate will remain out of session the week of August 24.

Freedom of Information Act Requests:

- Julie Anderson of *KMP TV* in Eden Prairie, MN has requested a copy of records pertaining to the database used to collect adverse incidents regarding spot products under the Federal Insecticide, Fungicide, and Rodenticide Act. (HQ, Aug. 13)
- Stanley Tromp, a journalist in Vancouver, British Columbia, has requested a copy of all records since January 2008 about the real or potential environmental harms and impact of Alberta oil projects and the effects it has on global warming and climate change. (HQ, Aug. 10)
- Maggie Lee of *Atlanta Unfiltered* in Decatur, GA has requested a copy of records for completed EPA 2C forms regarding NPDES permit renewals for the past 12 years for Plant Yates and Plant McDonough in Georgia. (R4, Aug. 12)
- Kim Ferraro of Legal Environmental Aid Foundation in Indiana, Inc., in Valparaiso, IN has requested a copy of records relevant to wood recycling located at 29861 Old US Highway 33 in Elkhart, IN. (R5, Aug. 10)
- Jessica Pepper of Taxpayers for Transparency L.L.C., in Blackwell, OK has requested a copy of the complete HRS package for the Blackwell Zinc Superfund Site in Blackwell, OK. (R6, Aug. 11)
- Andrew Yellowbear of Rawlins, WY has requested a copy of records concerning Wind River Indian Reservation boundaries. (R8, Aug. 11)

- Mr. Glenn Maxeiner of Environmental Resource Management in Greenwood Village, CO has requested a copy of records regarding the Asarco Globeville Plant Site in Denver. (R8, Aug. 13)
- Regine Anciaux of the European Food Safety Authority in Italy has requested several chemical documents from the Integrated Risk Information System. (HQ, Aug. 10)
- Jenny Small of the Judicial Watch in Washington, D.C. has requested a copy of records regarding mission statements, office staffing and budget operations pertaining to the Obama Administration “czar.” (HQ, Aug. 10).
- Dylan Fuge of Latham & Watkins, LLP, in Washington, D.C. has requested a copy of records supporting the PM2.5 Designation for Box Elder County, Utah. (HQ, Aug. 11)
- Kelly Crown of Crowell & Moring in Washington, D.C. has requested a copy of records related to the meeting between environmentalist groups and the Office of Pesticide Programs during the week of August 3, 2009 to discuss the relationship between pesticides and climate change. (HQ, Aug. 11)

Travel/meetings/speaking engagements for the Administrator

- Call Senator Cardin on to collect his current views on energy legislation on August 24. (Will report back to White House Legislative Affairs)
- Meet with maritime community representatives on August 24.
- Meet with Gene Dodaro, Comptroller of the Government Accountability Office, on August 24.
- Deliver remarks at the 31st Annual Blacks in Government EPA Forum on August 25.
- Participate in a call with Robert Kennedy, Jr. on August 26.
- Deliver remarks at the Army Corps of Engineers “Collaborating for a Sustainable Water Resources Future” conference on August 27.
- Meet with Reed Hundt on August 27.
- Participate in student reading event at Mt. Vernon Community School with Secretary Duncan and Secretary Solis on August 28.

Direct communications to the President

Deliberative

To: "Lisa Jackson" [Windsor.Richard@epa.gov]
From: CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US
Sent: Fri 8/21/2009 12:17:49 PM

Do you want to talk sometime soon about the possible N.O. project you had suggested to Marcia some time ago? It would be exciting to do this.

To: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]
Cc: []
From: CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US
Sent: Fri 8/21/2009 12:46:27 PM
Subject: Re:

great - thanks

From: Richard Windsor/DC/USEPA/US
To: Lisa Heinzerling/DC/USEPA/US@EPA
Date: 08/21/2009 08:44 AM
Subject: Re:

Sure. Next week at your 1 on 1 would be good.

----- Original Message -----

From: Lisa Heinzerling
Sent: 08/21/2009 08:17 AM EDT
To: "Lisa Jackson" <Windsor.Richard@epa.gov>

Do you want to talk sometime soon about the possible N.O. project you had suggested to Marcia some time ago? It would be exciting to do this.

To: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]
Cc: []
From: CN=Betsaida Alcantara/OU=DC/O=USEPA/C=US
Sent: Thur 8/20/2009 10:28:13 PM
Subject: Re: Facebook profile

thank you!

From: Richard Windsor/DC/USEPA/US
To: Betsaida Alcantara/DC/USEPA/US@EPA
Date: 08/20/2009 04:05 PM
Subject: Re: Facebook profile

FACEBOOK PROFILE QUESTIONS: Birthday: February 8, 1962
Gender: Female

Activities: cook, ski, hike, being a beach bum

Interests: good books, politics, crossword puzzles (addicted)

Favorite Music: Springsteen forever, old school funk, lately neosoul and some Latin jazz has me going

Favorite Movies: documentaries are cool. and sappy is also good for me, but satires and adult comedy is fun too

Casablanca, My Fair Lady, Bull Durham, Broadcast News, Knocked Up was so funny to me

Favorite Quotations: hmm

About Me: Michael Moats will be working on a statement for your review. Please let us know if there is anything in particular you would like to cover. We want to make sure it is not too formal.

Education Info

Colleges: Tulane University 1983

B.S. in Chemical Engineering summa cum laude

Princeton University, M.S. in Chemical Engineering 1986

High School: Saint Mary's Dominican High School '79

----- Original Message -----

From: Betsaida Alcantara

Sent: 08/18/2009 02:56 PM EDT

To: Richard Windsor

Cc: Allyn Brooks-LaSure; Michael Moats

Subject: Facebook profile

LPJ,

We are working on building your Facebook presence. Here are some Facebook profile questions to answer or answers to confirm. This is not pressing, so please get back to us when you have time.

Thank you,
Betsaida

FACEBOOK PROFILE QUESTIONS:

Birthday: February 8, 1962

Gender: Female

Activities:

Interests:

Favorite Music:

Favorite Movies:

Favorite Quotations:

About Me:

Michael Moats will be working on a statement for your review. Please let us know if there is anything in particular you would like to cover. We want to make sure it is not too formal.

Education Info

Colleges:

Tulane University (what year?)

B.A. in what? Chemical Engineering?

Princeton University

M.A. in Chemical Engineering (what year?)

High School:

Saint Mary's Dominican High School '79

To: "Lisa P. Jackson" [Windsor.Richard@epamail.epa.gov]
Cc: "Diane Thompson" [Thompson.Diane@epamail.epa.gov]; Arvin Ganesan" [Ganesan.Arvin@epamail.epa.gov]
From: CN=Bob Sussman/OU=DC/O=USEPA/C=US
Sent: Fri 8/21/2009 12:25:41 AM
Subject: Fw: treece

Lisa. This is the one of what will probably be many news stories. We had a big crowd of reporters and many political types (representing Roberts, Brownback, the Governor etc along with the local Congresswoman). There is no question that local sentiment for the buyout is overwhelming. Picher is rapidly becoming a ghost town and Treece will soon be isolated, without the lifeline previously provided by Picher. While a lot of cleanup has been done in Treece, it hasn't improved the quality of life or eased the anxiety of the community abt health threats from contamination. If we want to go the buyout route, there are a number of interesting options but they need legal vetting.

Deliberative

Deliberative

----- Original Message -----

From: Brendan Gilfillan
Sent: 08/20/2009 04:23 PM EDT
To: Bob Sussman; Mathy Stanislaus
Subject: Wichita Eagle

Treece Residents to EPA: Buy Us Out

The Wichita Eagle TREECE, Kan. —Most people in this contaminated community don't want to be here anymore. Today, they got the chance to make that case to key federal officials. Three executives from the Environmental Protection Agency, a congresswoman and about a dozen other federal officials and aides toured the town, which is surrounded by hundreds of acres of piles of polluted lead and zinc mining waste known as "chat." The near unanimous opinion of residents in a post-tour question-and-answer session was that Treece, like the neighboring community of Picher, Okla., should be bought out and shut down. "Just get us out of here and you can turn this all into a duck preserve," said City Council member Jan Leatherman. Dammed-up emotion broke loose when Mathy Stanislaus, assistant administrator of the EPA's Office of Solid Waste and Emergency Response, asked residents how they had been affected by the Picher buyout. The answers from the crowd: "In every way." "We have nothing." "You gotta go 20 miles to get a loaf of bread." "We don't even have a fire department any more." Stanislaus was one of three key officials leading the EPA delegation. Also on hand were Bob Sussman, senior policy counsel to EPA Administrator Lisa Jackson, and William Rice, acting head of EPA's Region 7, based in Kansas City and covering Kansas. The EPA's regional divide is one major reason why Picher has been bought out and Treece hasn't. Oklahoma Republican Sen. James Inhofe pushed through a bill authorizing the Picher buyout, but it didn't extend to Kansas, Stanislaus said. One key issue EPA has to determine is whether it can legally spend federal stimulus money on a Treece buyout without enabling legislation. Rep. Lynn Jenkins, R-Topeka, has introduced a bill in Congress to spend the \$3 million to \$3.5 million it would cost to buy out Treece, but she said she hoped it wouldn't have to come to legislative action. Kansas Republican Sen. Pat Roberts, who pushed hard for a high-level EPA visit, was scheduled to be on the tour but couldn't travel because of pneumonia. Treece City Clerk Pam Pruitt said the turnout of about 40 people represented roughly half the adult population of the town and twice the turnout for the most recent council election. Overall, about 100 people still live in Treece. "I think it went good," Pruitt said. "Surely they heard a lot. I just don't know how they could not come away with a different opinion, especially coming down here and seeing the closeness between Picher and Treece." Stanislaus declined to give his impressions, saying that he was on a fact-finding trip and didn't want to show a bias.

To: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]
Cc: CN=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US@EPA[]
From: CN=Adora Andy/OU=DC/O=USEPA/C=US
Sent: Fri 8/21/2009 5:42:37 PM
Subject: HEADS UP: New York Times on Atrazine

Hi LPJ,

Charles Duhigg (who still hasn't published his original water enforcement story) is publishing a story on Atrazine in water this weekend. We've had all of the relevant folks (OW, OPPTS, ORD, OECA) go on background with him and we've provided 16 pages of answers to his questions. Steve Bradbury and Steve Owens have gone on the record with him - though I'm not sure if he'll use quotes from either. Basically, the story will quote people outside of the agency who say EPA doesn't go far enough to curtail the use/ban Atrazine, that we don't act quickly enough when there is new science and that we act too quickly to "ok" chemical substances like Atrazine. Our response from the career staff is that we are working within science and the law to ensure people's safety, we constantly monitor levels in water, the studies cited by the reporter are not conclusive/peer-reviewed, we are constantly keeping up with new science on the subject and can make changes to regulation as needed. Owens provided a political perspective, talked about how he was instructed by you to take a look at many of the decisions under the Bush Administration, says you're a mom and he's a dad and you both care about these issues especially how they affect the health of our most vulnerable citizens, etc.

Here is a more detailed outline that Duhigg provided which will give you a better idea of the story:

1. It is my understanding that the European Union has banned atrazine as part of a general precautionary policy that prohibits pesticides that easily become prevalent in groundwater. But European regulators did not evaluate the chemical's health risks. If that is not correct, please let me know.
2. It is my understanding that, under EPA regulations, anyone using atrazine must complete a short training course and is warned to wear long-sleeved shirts and pants, as well as chemical-resistant gloves and shoes, when spraying. The chemical also cannot be applied near lakes, reservoirs or other areas where it can easily contaminate water. If that is not correct, please let me know.
3. It is my understanding Stephen Owens was recently confirmed as the E.P.A. assistant administrator for prevention, pesticides and toxic substances. If that is not correct, please let me know.
4. It is my understanding that E.P.A.'s atrazine regulations were initially set in the 1980's (for the Clean Water Act) and 2003 (for the FIFRA re-registration.) If that is not correct, please let me know.
5. It is my understanding that the E.P.A. does not generally require water systems to notify residents unless the yearly average of atrazine in drinking water exceeds 3 parts per billion, or the one-day exposure exceeds 100 parts per billion. If that is not correct, please let me know.
6. It is my understanding that since 2003, the E.P.A. has ordered the companies that manufacture atrazine, primarily Syngenta, to monitor the drinking water of as many as 154 communities as often as once a week, and submit that data to federal officials. And, that data indicates that no community has ever violated the one-day maximum limit on atrazine, and that

only a few towns have violated limits based on three-month or yearly averages. If that is not correct, please let me know.

7. It is my understanding that the residents of Piqua and Versailles were not told about spikes of Atrazine in their drinking water by the E.P.A., because they did not exceed the daily, three month or yearly limits. If that is not correct, please let me know.

8. It is my understanding that earlier this year Ms. Jackson started an overhaul of the agency's Integrated Risk Information System, which assesses the health risks of new chemicals. If that is not correct, please let me know.

B. EPA's comments and responses

Below is a summary of my understanding of EPA's responses to the issues I have raised, as well as portions of the Aug 20 document I intend to use. If you feel any of these are incomplete or misleading, please let me know:

Officials at the Environmental Protection Agency indicate they are not concerned that Americans are at risk from Atrazine in drinking water. They argue that atrazine has been studied extensively, that current regulations are sufficient to protect human health, and that Americans are not exposed to unsafe doses of the chemical through their taps - even when concentrations spikes upwards.

Representatives of the E.P.A. say that Atrazine's regulations contain wide safety margins, that federal standards are based on hundreds of studies that show Americans are safe, and that the new studies are not conclusive enough to spark immediate concern.

In a statement, the E.P.A. said that it applied large safety buffers in regulating atrazine, and continues to monitor emerging science. "The exposure that the agency allows under its atrazine drinking water regulations is at least 300 to 1,000 times lower than the level where the agency saw health effects in the most sensitive animal species tested," officials wrote. Short-term spikes in atrazine concentrations do "not pose a risk to human health." New studies, while raising important issues, do not "suggest a revision to EPA's current regulatory approach, which has been built on the review and consideration of hundreds of studies, including animal toxicity and human epidemiological studies dealing with atrazine."

In statements, the E.P.A. said there were problems with all of the studies cited by the Times suggesting health risks from atrazine. Agency officials argued that the epidemiological findings only highlight associations and do not demonstrate a cause and effect relationship, and that the "EPA has extensively reviewed laboratory studies on atrazine and developmental effects. Data from these studies do not suggest that birth defects, small-for-gestational-age, or effects on limb development would occur as a result of exposure to levels of atrazine found in the environment."

E.P.A. officials wrote that the studies on menstrual cycles have not been published in peer-reviewed publications, and so its scientific merits cannot

be assessed, and that experiments showing changes in rat fetuses after atrazine exposure used far higher doses than those found in drinking water. The E.P.A. intends to convene a science advisory panel to evaluate these and other studies in 2010 or 2011.

E.P.A. officials, in a statement, said that they are legally constrained from issuing warnings outside of those permitted by existing standards. "Based on today's science, levels would have to be higher, perhaps much higher, given the 300- to 1000-fold safety factors, and of longer duration, to constitute a public health concern," the agency wrote. "Therefore, a one-time reading of 59 parts per billion in finished water does not pose a risk to human health."

Adora Andy
Press Secretary
U.S. Environmental Protection Agency
Office of Public Affairs
202-564-2715
andy.adora@epa.gov

To: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]
Cc: CN=Bob Sussman/OU=DC/O=USEPA/C=US@EPA;CN=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Gina McCarthy/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US@EPA[]; N=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Gina McCarthy/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US@EPA[]; N=Gina McCarthy/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US@EPA[]; N=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US@EPA[]; N=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US@EPA[]
From: CN=Seth Oster/OU=DC/O=USEPA/C=US
Sent: Fri 8/21/2009 2:57:23 PM
Subject: Re: BNA: EPA Said to Be Nearing Proposal to Limit Stationary Sources' Carbon Dioxide Emissions
[30 DEN A-5, 2/18/09](#)
[95 DEN A-10, 5/20/09](#)
[119 DEN A-2, 6/24/09](#)
[122 DEN A-10, 6/29/09](#)

Deliberative

Deliberative

I am going to set up a brainstorm meeting for most of this group next week to discuss an outline of an op-ed framing this entire issue that we can then bring to you, Administrator, after that.

Seth

Seth Oster
Associate Administrator
Office of Public Affairs
Environmental Protection Agency
(202) 564-1918
oster.seth@epa.gov

From: Richard Windsor/DC/USEPA/US

To: Gina McCarthy/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA
Cc: Seth Oster/DC/USEPA/US@EPA, Lisa Heinzerling/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA
Date: 08/21/2009 10:03 AM
Subject: Re: BNA: EPA Said to Be Nearing Proposal to Limit Stationary Sources' Carbon Dioxide Emissions

There is little new here. Given all the briefings and talk, I am not at all surprised that numbers are starting to float around. Indeed numbers have been floated since last year.

Deliberative

----- Original Message -----

From: Gina McCarthy
Sent: 08/21/2009 09:32 AM EDT
To: Richard Windsor; Diane Thompson
Cc: Seth Oster; Lisa Heinzerling; Bob Sussman
Subject: Fw: BNA: EPA Said to Be Nearing Proposal to Limit Stationary Sources' Carbon Dioxide Emissions

Deliberative

---- Forwarded by Gina McCarthy/DC/USEPA/US on 08/21/2009 09:24 AM ----

From: John Millett/DC/USEPA/US
To: Gina McCarthy/DC/USEPA/US@EPA, Don Zinger/DC/USEPA/US@EPA, Beth Craig/DC/USEPA/US@EPA, Jeffrey Clark/RTP/USEPA/US@EPA, rob brenner@EPA, Seth Oster/DC/USEPA/US@EPA, Adora Andy/DC/USEPA/US@EPA
Cc: Andrea Drinkard/DC/USEPA/US@EPA, Erika Wilson/DC/USEPA/US@EPA, Cathy Milbourn/DC/USEPA/US@EPA, Dave Ryan/DC/USEPA/US@EPA
Date: 08/21/2009 08:55 AM
Subject: BNA: EPA Said to Be Nearing Proposal to Limit Stationary Sources' Carbon Dioxide Emissions

http://news.bna.com/delIn/DELNWB/split_display.adp?fedfid=14768018&vname=dennotallissues&fn=14768018&jd=a0b9n9c3u8&split=0

Climate Change
EPA Said to Be Nearing Proposal to Limit
Stationary Sources' Carbon Dioxide Emissions

The Environmental Protection Agency is close to approving a proposal to limit carbon dioxide emissions from

stationary sources, according to environmental and industry sources.

David Bookbinder, chief climate counsel for the Sierra Club, told BNA Aug. 19 that EPA plans to propose in September a rule that would apply limits to sources that emit more than 25,000 tons per year of carbon dioxide.

A 25,000-ton emissions threshold would be designed to prevent the application of strict carbon dioxide emissions limits and permitting requirements on a vast number of currently unregulated small emissions sources.

Richard Alonso, an attorney for Bracewell & Giuliani LLP, told BNA Aug. 20 that EPA could issue a rulemaking or a guidance.

The proposal would govern the application of prevention-of-significant-deterioration provisions of the Clean Air Act to carbon dioxide. Like new source review, PSD requires new and modified major pollution sources to have modern pollution controls. The program is intended to prevent large emissions increases from facilities in areas that meet air quality standards.

The proposal would not impose specific emissions limits for facilities. But by applying PSD to carbon dioxide, it would require companies to have best available control technology to curb emissions of the most prominent greenhouse gas.

EPA did not immediately respond to a request for comment.

Agency Position Reconsidered

Currently, the official EPA position is codified in a memorandum issued Dec. 18, by former EPA Administrator Stephen Johnson. That memo said carbon dioxide is not a regulated pollutant under the Clean Air Act, and that PSD does not apply to it. Under the law, PSD applies only to pollutants regulated under other Clean Air Act programs.

Environmental groups maintain that carbon dioxide is a regulated pollutant and is subject to PSD requirements, but EPA under Johnson disagreed.

EPA Administrator Lisa Jackson informed Bookbinder Feb. 17 that the agency will reconsider the Johnson memo in response to a petition filed by the Sierra Club. Bookbinder said the forthcoming proposal would follow up on that reconsideration (30 DEN A-5, 2/18/09).

In addition, President Obama in May directed EPA to propose, in concert with the Department of Transportation, limits on emissions of carbon dioxide and other greenhouse gases from cars and light trucks for model years 2012 through 2016. To meet this goal, EPA will have to finalize regulations by April 2010 (95 DEN A-10, 5/20/09).

Vehicle Emissions Rule to Affect PSD

Once EPA finalizes these vehicle emissions limits, carbon dioxide will become a regulated pollutant, subject to PSD. Bookbinder said a rule on applying PSD to carbon dioxide must be finalized by then to implement a 25,000-ton emissions threshold and to prevent a lower threshold from taking effect.

Under the Clean Air Act, PSD applies to major sources, which are defined as those that emit more than 250 tons per year of a regulated pollutant. For certain specified sources, the threshold is 100 tons per year. Unless EPA takes action, this would mean that PSD would apply to sources with these levels of emissions.

According to the U.S. Chamber of Commerce and other industry groups, this would apply PSD requirements to hundreds of thousands of new sources, including schools, hospitals, and small businesses, not just power plants, refineries, and other large sources. This is because carbon dioxide is emitted in far greater amounts than other air pollutants (119 DEN A-2, 6/24/09).

The Chamber of Commerce has released figures saying that applying PSD to carbon dioxide would expand the number of facilities subject to PSD from around 30,000 to 1.2 million.

A 25,000-ton emissions threshold for PSD would address this problem, but Alonso said EPA cannot just say it will not regulate emissions below 25,000 tons per year, when the Clean Air Act applies the requirements to emissions above 250 or 100 tons per year.

Alonso said EPA would have to get that interpretation past the U.S. Court of Appeals for the District of Columbia Circuit, which in recent rulings has overturned EPA interpretations of the Clean Air Act that it said were not justified by the text of the act.

EPA in 2008 suggested that it could raise the threshold for “significant” emissions under PSD to 25,000 tons per year, but Alonso said this would be a novel interpretation not supported by the Clean Air Act.

A 25,000-ton threshold “is the only sane thing they can do,” Bookbinder said.

Bookbinder has said previously that no environmental group would sue to challenge a 25,000 ton emissions threshold for PSD.

But Alonso said other parties could challenge the threshold as a means of stopping projects that they oppose for other reasons. Alonso used a hypothetical example of a labor union using PSD to challenge a construction project using non-union labor.

‘They Will be Sued.’

“If someone thinks EPA is not going to get sued over this, they’re not living in the environmental world of the last 10 years,” Alonso said. “They will be sued.”

EPA in 2008 also suggested that it could address the 250-ton threshold by issuing general permits, under which small sources would not have to go through the often-arduous PSD permitting process.

Alonso said stormwater permits under the Clean Water Act are often issued after an entity sends in a postcard saying it is in compliance with generic requirements issued by EPA.

Similar requirements could apply to small sources under a general PSD permit, Alonso said, with more stringent requirements applying to sources above 25,000 tons. A general permit could impose “broad-based” requirements, such as energy-efficient appliances, he said.

Some have suggested that once EPA applies PSD to greenhouse gases, the program will be so stringent and costly that industry will prefer an emissions cap-and-trade system, such as the system that would be imposed under H.R. 2454, which passed the House June 26 (122 DEN A-10, 6/29/09).

Alonso said, however, that technology to reduce carbon dioxide emissions significantly, other than to improve energy efficiency, does not exist, so EPA would not be able to impose costly requirements under PSD for at least 10 years. In the short term, he said, industry may prefer PSD to a cap-and-trade system.

By Steven D. Cook

~~~~~

John Millett  
Office of Air and Radiation Communications  
U.S. Environmental Protection Agency  
5411 Ariel Rios Building North  
Washington, DC 20460  
Phone: 202/564-2903  
Cell: Personal Privacy

**To:** windsor.richard@epa.gov[]  
**Cc:** CN=Aaron Dickerson/OU=DC/O=USEPA/C=US@EPA[]  
**From:** CN=David McIntosh/OU=DC/O=USEPA/C=US  
**Sent:** Sun 8/23/2009 8:38:45 PM  
**Subject:** your Monday 9:30 climate call with Senator Cardin

Monday morning at 9:30, Senator Cardin will call you in your office. If it's possible, Aaron (cc'd here) will patch me in on my cell phone **Personal Privacy** or my Blackberry phone **Personal Privacy** so that I can take notes (I'm in Maine). We requested this call so that you might collect Senator Cardin's most current thoughts on climate legislation and report them back (through me) to the White House. Last week, I called Senator Cardin's senior climate staffer (Mike Burke) and left a voicemail describing the purpose of the call. Mike was on vacation and did not call back. On Friday, I received from a more junior Cardin staffer (Josh Klein) draft language that Josh said his office was working on with the blessing of Senator Boxer's EPW staff (as you know, Senator Cardin sits on EPW, as well as on Finance) in order to improve on the House-passed bill's provisions for helping state governments prepare for and adapt to the likely impacts of climate change (increased river flooding, increased drought, increased hurricane damage, coastal erosion, etc.). Josh requested EPA's technical comments on the draft language. I will convey the draft language to the right EPA program staffers on Monday morning. In addition to state adaptation, the GHG cap-and-trade provisions to which Senator Cardin's office contributed last year and intends to contribute this year include mass-transit and other VMT-reduction measures, adaptation assistance for "great waters" like the Chesapeake Bay, and adequate funding for EPA and other agencies to carry out the implementation tasks that the legislation assigns to them.

**Deliberative**

# Deliberative

**To:** "Windsor, Richard" [Windsor.richard@epa.gov]; Galston, Marygrace"  
[Galston.Marygrace@epamail.epa.gov]; Wachter, Eric" [Wachter.Eric@epamail.epa.gov]  
**From:** CN=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US  
**Sent:** Mon 8/24/2009 2:37:09 PM  
**Subject:** Fw: Moving on From the UN Foundation. Contact Details and Job Description  
Attached.  
[PA ED Job Description.docx](#)  
[Katherine Miller2.vcf](#)  
<http://table81.blogspot.com/>  
[image001.jpg](#)

Y'all likely saw this. Katherine Miller leaving UN Foundation, heading to

**Personal Privacy**

MABL.

-----

M. Allyn Brooks-LaSure  
Office of the Administrator  
U.S. Environmental Protection Agency  
Cell: **Personal Privacy**

From: Katherine Miller [KMiller@unfoundation.org]  
Sent: 08/24/2009 09:15 AM AST  
To: undisclosed-recipients:  
Subject: Moving on From the UN Foundation. Contact Details and Job Description Attached.

Colleagues & Friends,

After more than three years of having an amazing job and working with the remarkable team at the UN Foundation, I have decided to move on and start exploring new dreams.

All of you know about the work we've done here at the Foundation that has helped make this a world class communications and constituency building operation. Whether it was developing the innovative campaigns and web platforms for our programs; tripling our online audience in just three years; building our global affairs blog, UN Dispatch, that reaches nearly a million unique visitors; or simply getting the Foundation, our principals and our programs, into the mix and in the news; the spirited and talented team I have helped build and lead has done incredible work in support of the UN's work on some of the world's toughest problems.

I am so proud of all we've accomplished; and I am very excited to work with the Foundation to help identify a new ED of Public Affairs. The job description is now live at our website (<http://www.unfoundation.org/about-unf/employment/executive-director.html>) and I have attached it here, for your convenience. If there people you would like to recommend, please feel free to send them my way.

The ideal candidate would be someone with political, agency and media experience. They should have a good sense of humor, the ability to think fast and execute faster, and think creatively about how to maximize the Foundation's brand. They should like to travel and have experience managing a strategic, integrated and multi-disciplinary team (earned, paid and social media).



I can't recommend a better place to work. I've been so lucky to work with a wonderful team (especially our chairman, Ted Turner; our President, Tim Wirth; and our COO, Kathy Bushkin Calvin) in support of the UN's work around the world. And I've gotten to do and see things that have led to a renewed sense of purpose and an even stronger belief in working for the greater good. I am also so grateful for the trust of the Foundation and the support of all of you over the last several years – thank you.

As for me, my last day at the Foundation will be September 30th.

**Personal Privacy**

## Personal Privacy

I am sure I will be calling on all of you again for your advice and support when I am the US, and back on the job market. Until then, I will be in contact with all of you via the various forms of modern communication including Skype, Facebook, a blog **Personal Privacy** and even more traditional means such as postcards, letters and phone calls. All my details are included in the attached vCard and below.

All the best,

k

Katherine Miller

Executive Director, Communications & Public Affairs

UN Foundation

(o) 202.778.1622

(c) **Personal Privacy** \* Please note change in cell phone.

BEGIN:VCARD

VERSION:2.1

N;LANGUAGE=en-us:Miller;Katherine

FN:Katherine Miller

TEL;WORK;VOICE:+1 (202) 489-2205

TEL;HOME;VOICE:**Personal Privacy**

TEL;VOICE:skype **Personal Privacy**

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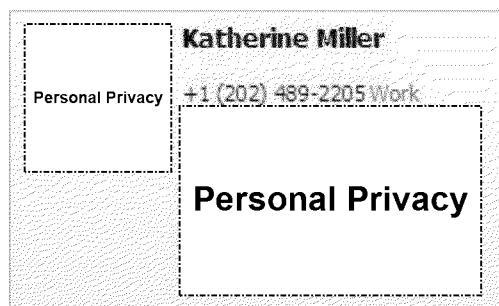
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# Katherine Miller

Personal Privacy

+1 (202) 489-2205 ( Work Voice )

Personal Privacy

( Home Voice )

skype: Personal Privacy ( Voice )

Personal Privacy

( Preferred Internet )

Personal Privacy

## Version

2.1

## Name

Family: Miller  
First: Katherine  
Middle:  
Prefix:  
Suffix:

## Formatted Name

Katherine Miller

Telephone Number ( Work Voice )

+1 (202) 489-2205

Telephone Number ( Home Voice )

Personal Privacy

Telephone Number ( Voice )

Personal Privacy

Address ( Home Preferred )

P.O. Address:

Extended Address:

Street:

Locality:

Region:

Postal Code:

Country:

Personal Privacy

Delivery Label ( Home Preferred )

Personal Privacy

## X-MS-OL-DEFAULT-POSTAL-ADDRESS

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Personal Privacy

### Electronic Mail Address ( Preferred Internet )

Personal Privacy

### Photograph

Personal Privacy

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### Last Revision

20090824T131209Z

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**From:** CN=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US  
**Sent:** Sat 8/22/2009 3:28:15 AM  
**Subject:** Re: This Week's Media Inquiries

Yup.

MABL.

-----  
M. Allyn Brooks-LaSure  
Office of the Administrator  
U.S. Environmental Protection Agency  
Cell: Personal Privacy

----- Original Message -----

From: Richard Windsor  
Sent: 08/21/2009 10:02 PM EDT  
To: Allyn Brooks-LaSure  
Subject: Re: This Week's Media Inquiries

Wow. Tx.

----- Original Message -----

From: Allyn Brooks-LaSure  
Sent: 08/21/2009 07:05 PM EDT  
To: "Windsor, Richard" <Windsor.richard@epa.gov>; "Fulton, Scott" <fulton.scott@epa.gov>;  
"Thompson, Diane" <thompson.diane@epa.gov>; "Mcintosh, David" <mcintosh.david@epa.gov>; Arvin  
Ganesan; "Sussman, Bob" <sussman.bob@epa.gov>; Lisa Heinzerling  
Cc: "Oster, Seth" <oster.seth@epa.gov>  
Subject: This Week's Media Inquiries

Below are the media inquiries fielded this week.

MABL.

-----  
M. Allyn Brooks-LaSure  
Office of the Administrator  
U.S. Environmental Protection Agency  
Cell: Personal Privacy

----- Original Message -----

From: Seconda Tyson  
Sent: 08/21/2009 06:56 PM EDT  
To: Allyn Brooks-LaSure; Adora Andy; Michael Thiem; Roxanne Smith  
Subject: Weekly Wrap - Friday, 8/21/09

Administration and Resources Management

Black Collegian mag: EPA recruiting during economic downturn. Sent quote from Craig Hooks. Closed.

Government Executive mag: Expanding article on wellness to include continuing-education opportunities.  
Foner set for 8/24. Open.

Science mag: Article, "Reaping the Benefits of a Government Job," fact checked and returned to writer. Closed.

Wash Post: Sent info about EPA employee, who disappeared six months ago. Closed.

#### Aging Initiative

Greenwire: Aging guidebook. Closed.

#### Agriculture

Agritalk Radio: Awaiting Adora's office response on getting Larry Elworth for interview on ag issues. Open.

WSJ: Possible "on background" informational phone interview Aug. 25 on enforcement aspect of animal feeding operation (CAFO) rules. Open.

#### Air

AP: Following up on a story about mercury in fish. Asked if we regulated mercury from coal fired powered plants. Sent statement that we are working to replace CAMR. Closed.

AP: Provided a subset of the data on off-road mobile-source emissions from the 2002 inventory for 2005 (if it is complete and vetted), showing county-level data on diesel emissions from line-haul locomotives, railway maintenance or yard locomotives and railroad equipment? Sent spreadsheet. Closed.

AP: Provided info on possible exemption of Ash Grove Cement Plant in Oregon from EPA mercury regs. Closed.

AP (LA): Awaiting more info from reporter on PM 2.5 concentrations at monitoring stations throughout the country. Open.

Bloomberg News: Writing on the ethanol "blend wall" decision Administrator Jackson said will happen in November. Am looking for info on the process of the decision and the studies/comments etc. that go into making it. Sent him to regulations.gov to see the docket, which he will read. Open.

BNA: Interview request with Gina McCarthy. Open.

BNA: Is there any effort at EPA aimed at limiting black carbon emissions, specifically as a greenhouse forcing agent (aside from diesel emissions reductions and other PM controls for health-based and visibility reasons)? Are there plans to do so? Open.

BNA: Phase out of HFCs. Sent link to North American Leaders Declaration on Climate Change. Closed.

BNA: What's the timing of the GHG Rule? Open.

BNA: Will carbon dioxide be subject to prevention of significant deterioration (PSD) regs? Open.

BNA, Argus Media: Is EPA going to propose a PSD rule in September along with the vehicle emissions rulemaking? It will be consistent with Lisa Jackson's statements that you want to concentrate on sources above 25,000 tons. Open.



Christian Science Monitor: Wants phone interview on how EPA will perform MPG ratings for cars like Chevy Volt. Open.

Fairplay: Wants interview on ECA areas. Did interview on 8/19. Closed.

Greenwire: Wants EPA tree-planting climate change analysis referred to in USA Today story. Open.

Home and Hearth Magazine: Questions on newer cleaner woodstoves and our change out program. Closed.

Indianapolis Business Journal: Asking whether areas besides California have retrofit requirements. Need to call each region. Closed.

Inside EPA: EPA proposed last week to approve a North Carolina revision to a North Carolina SIP that relies on the remanded Clean Air Interstate Rule. Closed.

Inside EPA: Seeking a comment on Delaware's notice of intent to sue EPA over the agency not responding by deadline. It's under litigation. Can't comment. Closed.

Inside EPA: Sent Gina McCarthy's Recovery Act speech at Port of Baltimore. Closed.

Inside EPA, Kiplinger: Wanted the Volt statement. Sent the statement. Closed.

KSHB-TV (Kansas City): Regulations for phase-out of freon. Responses sent. Closed.

LA Times: Ethanol. Closed.

McClatchy: ECA's. Interview August 20. Closed.

McClatchy Papers: Did phone interview with OTAQ official on proposed air standards for ships. Closed.

Men's Health Magazine: Did phone interview Aug. 17 on mold with indoor air official. Closed.

National Journal: RFS2. Open.

News-Press (Ft. Meyers, Fla.): Does EPA have to approve chlorine dioxide treatment of homes with chinese drywall--referred to CPSC. Closed.

NYT: Wants explanation of the Volt numbers. Closed.

Opis: Bob Dinneen (of RFA) wrote on Twitter these two posts. Can you comment on whether EPA may be leaning towards approving the E15 waiver just for autos and not for off road vehicles or boats? E15 waiver request has not been finalized, so we cannot comment. Closed.

Oregonian: Ash Grove Cement (and the state of Oregon, as it turns out) believes the Clean Air Act allows the EPA to create a sub-category for kilns like the one in Durkee based on the source of its raw material, in this case, limestone that is especially high in mercury.

Platts: Wants update on when EPA may issue the final decisions related to GHG reporting and the CO2 endangerment finding. Can't give a time. Closed.

Riverside Press Enterprise (Calif.): Sent info on NO2 standard. Closed.

San Francisco Chronicle: Refining crude. Open.

Slate/Washington Post: Wants interview on the history of the acid rain program. Closed.

S and L Energy: EPA has asked a federal appeals court to return for review controversial rule governing soot and smog limits for new power plants and industrial boilers. Sent Greenwire article. Closed.

S&L Energy: Sent statement on GHG reporting rule. Closed.

Telluride Watch (CO): Complaint of Vanadium clean up and liable company. Referred to region and OSHA. Closed.

Washington Times: Endangerment. Do we have a time line? No. Sent statement. Closed.

WSJ: Columnist Carl Bialik wants interview on how we'll do MPG ratings for cars like Chevy Volt. Open.

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KMSP-TV: On-camera 8/20 with Marty Monell re: flea & tick products. Closed.

LA Times: Clarified methyl iodide language and date of registration on the website. Closed.

Midland Daily News (Mich.): Does EPA regulate all over-the-counter meds (for animals) that are deemed pesticides? Sent A's to Q's. Closed.

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Pesticide & Toxic Chemical News: Mary Francis Lowe's title? Senior International Specialist. Closed.

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Boston Globe: Interview request August 18 on Buy American provisions. Open.

Hanley Wood Business Media: Project-specific Buy American waivers. Open.

Inside EPA: Water ARRA. Open.

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GQ: Fact-checking aluminum vs. glass recycling. Closed.

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Burns & Wilcox Agents Market Source: How cap-and-trade legislation in Congress, if passed, might affect the insurance industry. Closed.

Canadian Broadcast Corporation: Info on EPA's bedbug summit in April 2009. Referred her to EPA's Web page on the subject. Closed.

Clear Skies News, Daily Environmental Report, EnvironmentalLeader.com, Greenwire: Basic questions about TRI. Closed.

Gary McIntosh, Freelance Writer: Referred him to TRI website. Closed.

Japan Water Works: Awaiting OW to respond. Closed.

National Journal: Overview of IRIS. Video interview requested with Peter Preuss. Awaiting response from third floor. Open.

Nature magazine: EPA's strategy on its Human Toxicology program published in March. Closed.

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Christian Science Monitor: Cargo ships Bonny and Anders and toxic PCBs. Ref'd to R-3. Closed.

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Toronto Star: Number of Zonolite processing plants in the U.S. and Canada? Closed.

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Argus Media: Wants phone interview on first voluntary carbon offset under Climate Leaders program. Closed.

BlackEnterprise.com: Energy Star logo. Closed.

Climate Wire: Did phone interview today, 8/18 on first voluntary carbon offset under Climate Leaders program. Closed.

CNN: Despite my repeated phone calls, never followed up on original request on Green moving. Closed.

Federal News Radio: Did live drive-time interview with OAR official Aug. 20 on EcoCar. Closed.

Freelancer: Fact check on cost of home energy audit. Closed.

Memphis Daily News: Sent Margo Oge quotes on SmartWay. Closed.

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Platt's Energy Publications: Green Power info. Open.

Point Carbon: Any connection between first voluntary carbon offset under Climate Leaders program and possible future regulation? No. Closed.

Popular Science mag: Interviewed Karen Schneider August 18 on energy efficiency. Closed.

Scientific American: Did Green Chill phone interview today, 8/18. Closed.

SNL energy: Phone interview Aug. 21 on Climate Leaders approving first voluntary carbon offset. Closed.

Transport Topics: Follow-up questions on interview re: biodiesel from grain feedstock. Open.

Transport Topics: Sent info on biodiesel from grain feedstock. Closed.

## Water

Anchorage Daily News: Airport deicing proposal. Closed.

Argus Media: Hydraulic fracturing. Sent LPJ testimony. Closed.

Argus Media: Mountaintop mining. Open.

Associated Press (Fla.): Consent decree on proposing numeric water quality standards for waters in Fla. Sent statement. Closed.

Associated Press (IA): Interviewed Mary Smith on airport deicing proposal. Closed.

Associated Press (IA): Interview request August 19 on airport deicing for her enterprise piece that looks at the practice industry-wide. Awaiting Q's. Open.

Associated Press (D.C.): Six airports that currently don't have de-icing pads. Closed.

BNA: Cooling water intakes. Open.

BNA: Status of proposed aircraft drinking water rule. Open.

CBS Evening News: Interview request August 20 for mercury in fish. Producers ended up killing the story. Closed.

Charleston Gazette: Mountaintop mining. Open.

Floridaenvironments.com: Consent decree on proposing numeric water quality standards for waters in Fla. Sent statement. Closed.

Fortune mag: Average household water bill. Ref'd to American Water Works Assoc. Closed.

Globo News (Brazil): Wastewater treatment facilities in the United States. Open.

Greenwire: Follow-up questions on Kensington Mine. Betsaida is handling. Closed.

Inside EPA: Background interview request August 18 on new perchlorate analysis. Declined. Closed.

Inside EPA: Hydraulic fracturing. Closed.

Inside EPA: Tool used in the screening of mountaintop mining permits. Open.

Kansas City Star: E Coli standard in water. Closed.

Law 360: Consent decree on proposing numeric water quality standards for waters in Fla. Sent statement. Closed.

Minneapolis Star Tribune: Six airports that currently don't have de-icing pads. Closed.

Naples News, St. Petersburg Times: Consent decree on proposing numeric water quality standards for waters in Fla. Open.

New York Times: More background with Stave Bradbury on atrazine. Closed.

ProPublica: Interview request August 20 on investigation of groundwater problems in Wyo. Open.

Public Works mag: Sent responses on total coliform rule. Closed.

SNL Daily Gas Report: Sent A's to Q's re: underground injection control. Closed.

Voice of America: Seeking intvu with Chuck Fox, Chesapeake Bay Program. Ref'd to Region 3. Closed.

Wall Street Journal: Most recent environmental impact statement on mountaintop mining. Open.

Wall Street Journal: Sent information from the 2003 environmental impact statement for mountaintop mining. Closed.

WBDJ (Va.): Household appliance version of the "cash for clunkers" program. Ref'd to DOE, which has the lead on this effort. Closed.



**To:** "Windsor, Richard" [Windsor.richard@epa.gov]; Fulton, Scott" [fulton.scott@epa.gov]; Thompson, Diane" [thompson.diane@epa.gov]; McIntosh, David" [mcintosh.david@epa.gov]; N=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA;"Sussman, Bob" [sussman.bob@epa.gov]; Sussman, Bob" [sussman.bob@epa.gov]; Heinzerling, Lisa" [Heinzerling.Lisa@epamail.epa.gov]  
**Cc:** "Oster, Seth" [oster.seth@epa.gov]  
**From:** CN=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US  
**Sent:** Fri 8/21/2009 11:05:23 PM  
**Subject:** This Week's Media Inquiries

Below are the media inquiries fielded this week.

MABL.

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M. Allyn Brooks-LaSure  
Office of the Administrator  
U.S. Environmental Protection Agency  
Cell: Personal Privacy

----- Original Message -----

From: Seconda Tyson  
Sent: 08/21/2009 06:56 PM EDT  
To: Allyn Brooks-LaSure; Adora Andy; Michael Thiem; Roxanne Smith  
Subject: Weekly Wrap - Friday, 8/21/09

Administration and Resources Management

Black Collegian mag: EPA recruiting during economic downturn. Sent quote from Craig Hooks. Closed.

Government Executive mag: Expanding article on wellness to include continuing-education opportunities. Foner set for 8/24. Open.

Science mag: Article, "Reaping the Benefits of a Government Job," fact checked and returned to writer. Closed.

Wash Post: Sent info about EPA employee, who disappeared six months ago. Closed.

Aging Initiative

Greenwire: Aging guidebook. Closed.

Agriculture

Agritalk Radio: Awaiting Adora's office response on getting Larry Elworth for interview on ag issues. Open.

WSJ: Possible "on background" informational phone interview Aug. 25 on enforcement aspect of animal feeding operation (CAFO) rules. Open.

Air

AP: Following up on a story about mercury in fish. Asked if we regulated mercury from coal fired powered plants. Sent statement that we are working to replace CAMR. Closed.

AP: Provided a subset of the data on off-road mobile-source emissions from the 2002 inventory for 2005 (if it is complete and vetted), showing county-level data on diesel emissions from line-haul locomotives, railway maintenance or yard locomotives and railroad equipment? Sent spreadsheet. Closed.

AP: Provided info on possible exemption of Ash Grove Cement Plant in Oregon from EPA mercury regs. Closed.

AP (LA): Awaiting more info from reporter on PM 2.5 concentrations at monitoring stations throughout the country. Open.

Bloomberg News: Writing on the ethanol "blend wall" decision Administrator Jackson said will happen in November. Am looking for info on the process of the decision and the studies/comments etc. that go into making it. Sent him to regulations.gov to see the docket, which he will read. Open.

BNA: Interview request with Gina McCarthy. Open.

BNA: Is there any effort at EPA aimed at limiting black carbon emissions, specifically as a greenhouse forcing agent (aside from diesel emissions reductions and other PM controls for health-based and visibility reasons)? Are there plans to do so? Open.

BNA: Phase out of HFCs. Sent link to North American Leaders Declaration on Climate Change. Closed.

BNA: What's the timing of the GHG Rule? Open.

BNA: Will carbon dioxide be subject to prevention of significant deterioration (PSD) regs? Open.

BNA, Argus Media: Is EPA going to propose a PSD rule in September along with the vehicle emissions rulemaking? It will be consistent with Lisa Jackson's statements that you want to concentrate on sources above 25,000 tons. Open.

Christian Science Monitor: Wants phone interview on how EPA will perform MPG ratings for cars like Chevy Volt. Open.

Fairplay: Wants interview on ECA areas. Did interview on 8/19. Closed.

Greenwire: Wants EPA tree-planting climate change analysis referred to in USA Today story. Open.

Home and Hearth Magazine: Questions on newer cleaner woodstoves and our change out program. Closed.

Indianapolis Business Journal: Asking whether areas besides California have retrofit requirements. Need to call each region. Closed.

Inside EPA: EPA proposed last week to approve a North Carolina revision to a North Carolina SIP that relies on the remanded Clean Air Interstate Rule. Closed.

Inside EPA: Seeking a comment on Delaware's notice of intent to sue EPA over the agency not responding by deadline. It's under litigation. Can't comment. Closed.

Inside EPA: Sent Gina McCarthy's Recovery Act speech at Port of Baltimore. Closed.

Inside EPA, Kiplinger: Wanted the Volt statement. Sent the statement. Closed.

KSHB-TV (Kansas City): Regulations for phase-out of freon. Responses sent. Closed.

LA Times: Ethanol. Closed.

McClatchy: ECA's. Interview August 20. Closed.

McClatchy Papers: Did phone interview with OTAQ official on proposed air standards for ships. Closed.

Men's Health Magazine: Did phone interview Aug. 17 on mold with indoor air official. Closed.

National Journal: RFS2. Open.

News-Press (Ft. Meyers, Fla.): Does EPA have to approve chlorine dioxide treatment of homes with chinese drywall--referred to CPSC. Closed.

NYT: Wants explanation of the Volt numbers. Closed.

Opis: Bob Dinneen (of RFA) wrote on Twitter these two posts. Can you comment on whether EPA may be leaning towards approving the E15 waiver just for autos and not for off road vehicles or boats? E15 waiver request has not been finalized, so we cannot comment. Closed.

Oregonian: Ash Grove Cement (and the state of Oregon, as it turns out) believes the Clean Air Act allows the EPA to create a sub-category for kilns like the one in Durkee based on the source of its raw material, in this case, limestone that is especially high in mercury.

Platts: Wants update on when EPA may issue the final decisions related to GHG reporting and the CO2 endangerment finding. Can't give a time. Closed.

Riverside Press Enterprise (Calif.): Sent info on NO2 standard. Closed.

San Francisco Chronicle: Refining crude. Open.

Slate/Washington Post: Wants interview on the history of the acid rain program. Closed.

S and L Energy: EPA has asked a federal appeals court to return for review controversial rule governing soot and smog limits for new power plants and industrial boilers. Sent Greenwire article. Closed.

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Scientific American: Did Green Chill phone interview today, 8/18. Closed.

SNL energy: Phone interview Aug. 21 on Climate Leaders approving first voluntary carbon offset. Closed.

Transport Topics: Follow-up questions on interview re: biodiesel from grain feedstock. Open.

Transport Topics: Sent info on biodiesel from grain feedstock. Closed.



## Water

Anchorage Daily News: Airport deicing proposal. Closed.

Argus Media: Hydraulic fracturing. Sent LPJ testimony. Closed.

Argus Media: Mountaintop mining. Open.

Associated Press (Fla.): Consent decree on proposing numeric water quality standards for waters in Fla. Sent statement. Closed.

Associated Press (IA): Interviewed Mary Smith on airport deicing proposal. Closed.

Associated Press (IA): Interview request August 19 on airport deicing for her enterprise piece that looks at the practice industry-wide. Awaiting Q's. Open.

Associated Press (D.C.): Six airports that currently don't have de-icing pads. Closed.

BNA: Cooling water intakes. Open.

BNA: Status of proposed aircraft drinking water rule. Open.

CBS Evening News: Interview request August 20 for mercury in fish. Producers ended up killing the story. Closed.

Charleston Gazette: Mountaintop mining. Open.

Floridaenvironments.com: Consent decree on proposing numeric water quality standards for waters in Fla. Sent statement. Closed.

Fortune mag: Average household water bill. Ref'd to American Water Works Assoc. Closed.

Globo News (Brazil): Wastewater treatment facilities in the United States. Open.

Greenwire: Follow-up questions on Kensington Mine. Betsaida is handling. Closed.

Inside EPA: Background interview request August 18 on new perchlorate analysis. Declined. Closed.

Inside EPA: Hydraulic fracturing. Closed.

Inside EPA: Tool used in the screening of mountaintop mining permits. Open.

Kansas City Star: E Coli standard in water. Closed.

Law 360: Consent decree on proposing numeric water quality standards for waters in Fla. Sent statement. Closed.

Minneapolis Star Tribune: Six airports that currently don't have de-icing pads. Closed.

Naples News, St. Petersburg Times: Consent decree on proposing numeric water quality standards for waters in Fla. Open.

New York Times: More background with Stave Bradbury on atrazine. Closed.

ProPublica: Interview request August 20 on investigation of groundwater problems in Wyo. Open.

Public Works mag: Sent responses on total coliform rule. Closed.

SNL Daily Gas Report: Sent A's to Q's re: underground injection control. Closed.

Voice of America: Seeking intvu with Chuck Fox, Chesapeake Bay Program. Ref'd to Region 3. Closed.

Wall Street Journal: Most recent environmental impact statement on mountaintop mining. Open.

Wall Street Journal: Sent information from the 2003 environmental impact statement for mountaintop mining. Closed.

WBDJ (Va.): Household appliance version of the "cash for clunkers" program. Ref'd to DOE, which has the lead on this effort. Closed.

**Position Description**  
**United Nations Foundation/Better World Fund**

**Title:** Executive Director for Communications & Public Affairs

**Department:** Public Affairs

**FLSA Status:** Exempt

**The Organization**

<http://www.unfoundation.org>

**About the UN Foundation**

The UN Foundation, a public charity, was created in 1998 with entrepreneur and philanthropist Ted Turner's historic \$1 billion gift to support UN causes and activities. We are an advocate for the UN and a platform for connecting people, ideas and resources to help the United Nations solve global problems. We help the UN take its best work and ideas to scale—through advocacy, partnerships, constituency building and fund-raising.

- Partnerships because we have learned what can be achieved when the public and private sectors work together through the United Nations;
- Advocacy because we know the leverage and impact that sound policy can have on the kind of social, economic and environmental change the UN seeks;
- Community-building because the UN was created for “we the people,” and all of us can give back and contribute to a better world; and
- We need new and additional resources to power solutions to global challenges.

The Foundation is a public charity. For more information about the United Nations Foundation, visit [www.unfoundation.org](http://www.unfoundation.org).

**Overview**

The Executive Director of Communications and Public Affairs manages the public affairs staff, including eight direct reports and an annual budget of approximately \$2 million. He or she oversees the development of integrated, strategic and innovative communications strategies for six program areas, and the UN Foundation, including message development, media outreach, and online activities (including social media).

The Public Affairs team helps create innovative campaigns to promote key issues such as global health, the US-UN relationship, climate change, and sustainable development. In the past these campaigns have included malaria prevention (the award-winning Nothing But Nets), sustainable tourism (Expedia co-branded Friends of World Heritage), and global peacekeeping (60<sup>th</sup> Anniversary PSA featuring George Clooney). The ED of Communications and Public Affairs also supports efforts by the United Nations to modernize its communications efforts.

The ideal candidate would be someone with political, agency and media experience. He or she should have a good sense of humor, the ability to think fast and execute faster, and

**Position Description**  
**United Nations Foundation/Better World Fund**

think creatively about how to maximize the Foundation's brand. He or she should like to travel and have experience managing a strategic, integrated and multi-disciplinary team (earned, paid and social media).

**Working Relationships**

The Executive Director of Communications reports to the UN Foundation's Vice President for Public Policy. The Executive Director oversees and manages the Public Affairs staff including Program Communication Directors, Communications Associates and Communications Officers.

**Major Duties and Responsibilities**

**Overall:**

Provide vision, strategic planning and effective management of all aspects of communications for UNF/BWF.

Manage the work of a large Public Affairs staff, including the supervision of staff members, consultants, special projects and the issuance of communications-related grants.

Establish strong relationships with relevant media and reporters, and be able to fully utilize evolving communications strategies (including earned media, web-based media and social media tools).

**Communications and Public Affairs:**

**Strategy:** Develop and implement strategic communications efforts by UNF/BWF's key programs and initiatives, including institutional media plans, messaging and materials that clarify for key audiences the goals and program priorities of the Foundation and tell the UN story to the US audience. Oversee the brand management for all UNF/BWC public activities and public platforms including earned, paid and new media.

**External Communications:** Oversee the execution of efforts to build online constituencies, raise awareness of UNF/BWF initiatives in the US and global media, expand UNF/BWF's thought-leader reputation and grow the profile of UNF/BWF official spokespeople. Manage and conduct ongoing outreach to health, energy, environment, national security and development-related journalists, editors, broadcasters and publishers to build foundation relationships with key media outlets and promote foundation news. Prepare briefing memos and talking points for Foundation President and Executive Vice President as needed.

**Coordination:** Work closely with the UNF partnership and advocacy teams to build, strengthen and expand efforts to fundraise, build coalitions and deliver effective public

**Position Description**  
**United Nations Foundation/Better World Fund**

education and advocacy. In coordination with management team, further develop effective internal communications on key Foundation matters. Bolster efforts to provide hands-on assistance and strategic advice to UN public affairs professionals in conducting UN outreach to US and global media.

**Management:** Build and manage the Public Affairs team including Program Communications Directors, Online/New Media team, and the Publications and Writing team. Oversee day-to-day scheduling, questions, and decisions for communications staff, and work in concert with Program Communications Directors. The ED of Public Affairs and Communications is also part of the Foundation's Senior Staff and Strategic Coordination Team (the senior management team responsible for driving forth the organization's strategic plan).

**Desired Knowledge, Skills, and Abilities**

- At least 10 – 15 years in communications/public relations/public affairs. Capitol Hill experience a plus.
- Strategic and tactical communications abilities.
- Strong ability to create and implement communications strategies, write press releases and statements.
- Planning, organizing, monitoring, juggling, coaching, and follow-up skills.
- Ability and willingness to take charge, be accountable, and work as part of a team.
- Attention to detail and ability to work well under pressure.
- Adaptability, flexibility and good sense of humor all a must.
- Familiarity with UNF's stakeholder audiences and programmatic priorities.

**Location**

1800 Massachusetts Avenue, Suite 400. Washington DC. (Metro: Dupont Circle).

**Compensation & Benefits**

Salary will be commensurate with experience. Actual salary will depend on qualifications and anticipated contribution to the Foundation.

UNF pays 100% of medical, dental, vision, life, and disability insurance premiums for employees and 75% of medical and vision for employees' dependents.

In addition, UNF provides 20 days of paid vacation per year, twelve paid holidays, an immediately vested 150% matching 403(b) contribution of to a limit of six-percent of employee pay, Metro Pass benefits, and flexible spending accounts for health and dependent care.

UNF/BWF is an AA/EEO employer.

**Position Description**  
**United Nations Foundation/Better World Fund**

People of diverse backgrounds are encouraged to apply.

**To Apply**

Please apply on-line at <http://unfoundation.org/about/employment.asp>. Click on this position, go to the bottom of the page, and click on “click here to apply.”

|                  |                         |
|------------------|-------------------------|
|                  | <b>Katherine Miller</b> |
| Personal Privacy | +1 (202) 489-2205 Work  |
|                  | <b>Personal Privacy</b> |

**To:** CN=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US@EPA;"Lisa Jackson" [windsor.richard@epa.gov]; Lisa Jackson" [windsor.richard@epa.gov]; N=Marygrace Galston/OU=DC/O=USEPA/C=US@EPA[]  
**From:** CN=Eric Wachter/OU=DC/O=USEPA/C=US  
**Sent:** Mon 8/24/2009 2:40:05 PM  
**Subject:** Re: Moving on From the UN Foundation. Contact Details and Job Description Attached.

**Personal Privacy**

[image001.jpg](#)

Wow, good for her!

From: Allyn Brooks-LaSure  
Sent: 08/24/2009 10:37 AM EDT  
To: "Windsor, Richard" <Windsor.richard@epa.gov>; Marygrace Galston; Eric Wachter  
Subject: Fw: Moving on From the UN Foundation. Contact Details and Job Description Attached.

Y'all likely saw this. Katherine Miller leaving UN Foundation, heading to

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MABL.

-----  
M. Allyn Brooks-LaSure  
Office of the Administrator  
U.S. Environmental Protection Agency  
Cell: **Personal Privacy**

From: Katherine Miller [KMiller@unfoundation.org]  
Sent: 08/24/2009 09:15 AM AST  
To: undisclosed-recipients:  
Subject: Moving on From the UN Foundation. Contact Details and Job Description Attached.

Colleagues & Friends,

After more than three years of having an amazing job and working with the remarkable team at the UN Foundation, I have decided to move on and start exploring new dreams.

All of you know about the work we've done here at the Foundation that has helped make this a world class communications and constituency building operation. Whether it was developing the innovative campaigns and web platforms for our programs; tripling our online audience in just three years; building our global affairs blog, UN Dispatch, that reaches nearly a million unique visitors; or simply getting the Foundation, our principals and our programs, into the mix and in the news; the spirited and talented team



I have helped build and lead has done incredible work in support of the UN's work on some of the world's toughest problems.

I am so proud of all we've accomplished; and I am very excited to work with the Foundation to help identify a new ED of Public Affairs. The job description is now live at our website (<http://www.unfoundation.org/about-unf/employment/executive-director.html>) and I have attached it here, for your convenience. If there people you would like to recommend, please feel free to send them my way.

The ideal candidate would be someone with political, agency and media experience. They should have a good sense of humor, the ability to think fast and execute faster, and think creatively about how to maximize the Foundation's brand. They should like to travel and have experience managing a strategic, integrated and multi-disciplinary team (earned, paid and social media).

I can't recommend a better place to work. I've been so lucky to work with a wonderful team (especially our chairman, Ted Turner; our President, Tim Wirth; and our COO, Kathy Bushkin Calvin) in support of the UN's work around the world. And I've gotten to do and see things that have led to a renewed sense of purpose and an even stronger belief in working for the greater good. I am also so grateful for the trust of the Foundation and the support of all of you over the last several years – thank you.

As for me, my last day at the Foundation will be September 30th:

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All the best,

k

Katherine Miller

Executive Director, Communications & Public Affairs

UN Foundation

(o) 202.778.1622

(c) **Personal Privacy** \* Please note change in cell phone.

**To:** CN=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US@EPA;CN=Seth Oster/OU=DC/O=USEPA/C=US@EPA;CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]; N=Seth Oster/OU=DC/O=USEPA/C=US@EPA;CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]; N=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** []  
**From:** CN=Adora Andy/OU=DC/O=USEPA/C=US  
**Sent:** Mon 8/24/2009 3:47:04 PM  
**Subject:** NRDC: EPA WON'T RESTRICT TOXIC HERBACIDE - WH DOCUMENTS SAY INDUSTRY INFLUENCED DECISION  
[Proceedings of the National Academy of Sciences](#)  
[Environmental Health Perspectives, April 2003](#)  
([embedded image](#))

#### EPA Won't Restrict Toxic Herbicide Atrazine, Despite Health Threat

White House documents obtained by NRDC reveal that industry influenced the decision.

The EPA has decided not to limit one of the nation's most widely used weed-killers, a chemical that, according to several recent studies, threatens human health and the environment. The October 2003 decision -- which the EPA was required to make under a court-approved consent decree reached with NRDC in 2001 -- will allow Syngenta, the main manufacturer of atrazine, and other companies to continue to sell the chemical in the United States with no significant restrictions.

To determine whether industry played a role in shaping the EPA's decision, NRDC filed a series of Freedom of Information Act requests with the White House and the EPA, which failed to produce relevant documents. In November 2003, NRDC filed a lawsuit charging that the White House and the agency were violating the freedom of information law by withholding documentary evidence. The following month, the White House released 22 documents, with most of their contents blacked out, including a memo from former senator Bob Dole to a high-level White House official urging the EPA not to restrict the hazardous weed-killer despite the environmental risks. The White House continues to withhold more than 80 other relevant documents.

In a lawsuit filed in August 2003, NRDC charged the EPA with failing to protect endangered species from atrazine, despite having acknowledged that the weed-killer might cause widespread harm to endangered species. NRDC is calling on the EPA to fulfill its obligations under the Endangered Species Act and ban atrazine from the market. NRDC has also asked Syngenta to hand over to the EPA, and to make readily available to the public, any other data it may have on atrazine's health effects.

A 2002 study by Dr. Tyrone Hayes of atrazine's effects on frogs found that sexually mature males suffered a 10-fold decrease in plasma testosterone. (See the study on the website of the Proceedings of the National Academy of Sciences.)

In 2003, Dr. Hayes found that atrazine induced hermaphroditism at 0.1 ppb in American leopard frogs. (An abstract appears online in Environmental Health Perspectives, April 2003.)

In announcing its October 2003 decision not to restrict atrazine use, the EPA said it found that atrazine is not likely to cause cancer in humans. However, an August 2003 report from the EPA's independent scientific advisory panel noted that atrazine exposure could not be ruled out as the cause of cancers observed in studies of the chemical.

Several recent studies show that atrazine causes sexual abnormalities in frogs, and another revealed elevated levels of prostate cancer in workers at an atrazine manufacturing plant. Some of the findings resulted from research funded by the manufacturer itself. In at least one case, when the data's damning implications became clear, the company repeatedly insisted on new tests. Indeed, the frog data only

became public after the scientist conducting the research ended his contract with the manufacturer -- a company formed by the merger of Novartis and Zeneca and now called Syngenta -- and re-ran his experiment independently.

Because of atrazine's risks, several European countries have already banned the chemical, and the European Union has announced it will ban it entirely by early 2005. In America, though, farmers continue to spray the weed-killer heavily on corn, sugarcane and other crops throughout the country. As a result, some portion of the more than 60 million pounds of atrazine applied annually makes its way into streams, rivers, lakes and drinking water supplies. The problem is at its worst in the spring, when atrazine is applied most heavily, then washed by rain into waterways.

#### EPA Cut Private Deal with Manufacturers

Under the deal, the EPA will adopt no regulatory restrictions on atrazine use, and more than 96 percent of the streams that the EPA has identified as being at highest risk from atrazine contamination will remain untested by Syngenta. Nor will the EPA take any steps to protect those streams.

The EPA has found that atrazine is toxic to some species in water at levels as low as 2.16 parts per billion (ppb). Under the new agreement, however, Syngenta will only be required to take additional steps, such as increased monitoring, when a stream exceeds a "level of concern" -- apparently a range from 10 to 20 ppb -- over a vaguely defined "prolonged period," and only then for the most contaminated of the 40 monitored streams.

#### Sexual Deformities in Frogs

##### Atrazine Application on Corn Crops by State, 2001

State    Pounds of Atrazine

CO, GA, KY, NC, ND, NY, PA, SD, TX, WI    Between 166,000  
and 1,915,000

MI, MO, MN    Between 1,915,000  
and 3,664,000

KS, OH    Between 3,664,000  
and 5,413,000

NE    Between 5,413,000  
and 7,162,000

IA, IN    Between 7,162,000  
and 8,911,000

IL    Between 12,409,000  
and 14,158,000

No data or very little data:

AL, AR, AZ, CA, CT, DC, DE, FL, ID, LA, MA, MD, ME, MS, MT, NH, NJ, NM, NV, OK, OR, RI, SC, TN, VA, VT, WA, WV,  
WY

Data: National Agriculture Statistics Service, Agricultural Chemical Use Database

One of the first of several studies to turn up evidence of sexual deformities in frogs exposed to atrazine was conducted by Dr. Tyrone Hayes, and published -- after much delay -- in April 2002. Dr. Hayes conducted initial research with funding from Syngenta, and the deformities he found in the frogs included hermaphroditism. Syngenta responded by repeatedly sending him back to re-run his research, and apparently did not submit the findings about hermaphroditism to the EPA. Frustrated by the delays, Dr. Hayes eventually gave up his Syngenta funding, ran the experiments again independently, and found the same results. Since then, Syngenta-funded researcher Tim Gross has reported similarly damaging effects to a different species of frogs exposed to atrazine, including males with abnormal female skin coloration.

#### Atrazine May Contribute to Human Cancers

Separately, data gathered by Syngenta also shows a potential link to prostate cancer in humans. But, as with the frog research, the company's data was suspiciously slow in reaching the public and the EPA. In the summer of 2001, NRDC learned that Syngenta had been tracking prostate cancer in the employees of its St. Gabriel, Louisiana

atrazine plant. Only after NRDC alerted the EPA did Syngenta submit reports of numerous recent cancer cases to the agency. The study has since been published in the Journal of Occupational and Environmental Medicine. Its most significant finding is that Syngenta employees have elevated rates of prostate cancer -- a rate more than three-and-a-half times higher than the Louisiana statewide average. One worker employed by the St. Gabriel facility in the mid-1970s said that he "worked 'eyeball' deep in the powder [atrazine]" and recalls instances of employees "eating meals . . . in areas covered with atrazine dust." Another worker recalls his supervisors telling him that "atrazine could be eaten without any adverse health effects."

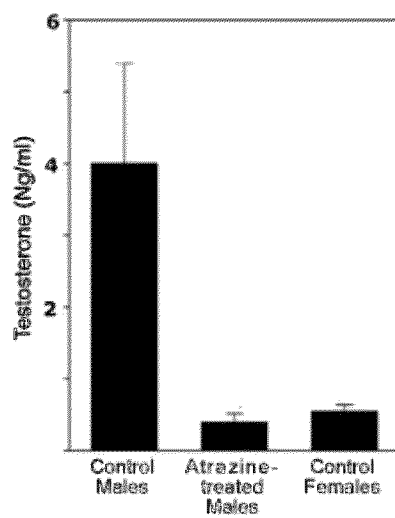
The Syngenta study might even understate the problem, because the company has not updated the numbers to include new cancer cases since 1999. While the company proposes that the increased detection of cancers is due to a company prostate screening program, it provides no data to support this view.

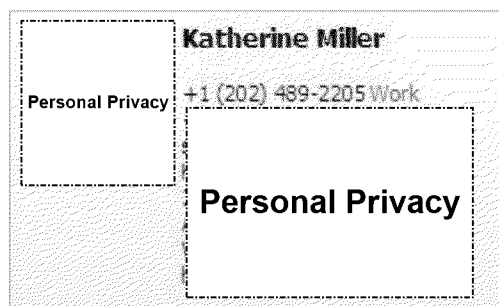
#### Protecting Your Family from Atrazine

Some large water systems test for atrazine in their water supplies and filter it from drinking water if necessary, but smaller systems often do not. The good news is that a simple activated carbon-based water filter -- like the ones commonly available in grocery stores and elsewhere in pitcher and faucet-mount varieties -- can filter atrazine from drinking water.

###

Adora Andy  
Press Secretary  
U.S. Environmental Protection Agency  
Office of Public Affairs  
202-564-2715  
andy.adora@epa.gov





**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**From:** CN=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US  
**Sent:** Mon 8/24/2009 4:16:35 PM  
**Subject:** Re: Moving on From the UN Foundation. Contact Details and Job Description Attached

**Personal Privacy**

[image001.jpg](#)

In her job? Yeah, right.

MABL.  
-----

M. Allyn Brooks-LaSure  
Office of the Administrator  
U.S. Environmental Protection Agency  
Cell: **Personal Privacy**

From: Richard Windsor  
Sent: 08/24/2009 10:49 AM EDT  
To: Allyn Brooks-LaSure  
Subject: Re: Moving on From the UN Foundation. Contact Details and Job Description Attached.

W-E. You interested?

From: Allyn Brooks-LaSure  
Sent: 08/24/2009 10:37 AM EDT  
To: "Windsor, Richard" <Windsor.richard@epa.gov>; Marygrace Galston; Eric Wachter  
Subject: Fw: Moving on From the UN Foundation. Contact Details and Job Description Attached.

Y'all likely saw this. Katherine Miller leaving UN Foundation, heading to

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M. Allyn Brooks-LaSure  
Office of the Administrator  
U.S. Environmental Protection Agency  
Cell: **Personal Privacy**

From: Katherine Miller [KMiller@unfoundation.org]  
Sent: 08/24/2009 09:15 AM AST  
To: undisclosed-recipients:  
Subject: Moving on From the UN Foundation. Contact Details and Job Description Attached.

Colleagues & Friends,

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All of you know about the work we've done here at the Foundation that has helped make this a world class communications and constituency building operation. Whether it was developing the innovative campaigns and web platforms for our programs; tripling our online audience in just three years; building our global affairs blog, UN Dispatch, that reaches nearly a million unique visitors; or simply getting the Foundation, our principals and our programs, into the mix and in the news; the spirited and talented team I have helped build and lead has done incredible work in support of the UN's work on some of the world's toughest problems.

I am so proud of all we've accomplished; and I am very excited to work with the Foundation to help identify a new ED of Public Affairs. The job description is now live at our website (<http://www.unfoundation.org/about-unf/employment/executive-director.html>) and I have attached it here, for your convenience. If there people you would like to recommend, please feel free to send them my way.

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All the best,

k



Katherine Miller

Executive Director, Communications & Public Affairs

UN Foundation

(o) 202.778.1622

(c) Personal Privacy Please note change in cell phone.

|                  |                         |
|------------------|-------------------------|
|                  | <b>Katherine Miller</b> |
| Personal Privacy | +1 (202) 489-2205 Work  |
|                  | <b>Personal Privacy</b> |

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** CN=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Marygrace Galston/OU=DC/O=USEPA/C=US@EPA[]; N=Marygrace Galston/OU=DC/O=USEPA/C=US@EPA[]  
**From:** CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US  
**Sent:** Mon 8/24/2009 4:53:54 PM  
**Subject:** political deputy for OPEI  
Verchick CV EPA.doc

Lisa,

I have a person in mind for the political deputy slot at OPEI. His name is Rob Verchick. He is a law professor in New Orleans. I've known him for quite a long time. He is smart, creative, personable, and kind. He has wide-ranging policy interests and would, I believe, be a breath of fresh air at OPEI. I'd like working with him. I have had preliminary discussions with him and am hopeful though not certain that he would accept the job if offered.

My hope for the political deputy slot is to find a person with broad policy expertise and interests, and a personality that will help OPEI be a truly constructive force within the agency. Rob is that kind of person.

I am attaching Rob's c.v. His on-line bio is at <<http://law.loyno.edu/faculty-staff/robert-r-m-verchick>>.

What do you think?

Best,  
Lisa

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**From:** CN=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US  
**Sent:** Mon 8/24/2009 4:21:04 PM  
**Subject:** Re: Moving on From the UN Foundation. Contact Details and Job Description Attached.

**Personal Privacy**  
[image001.jpg](#)

I'm confused?

MABL.  
-----

M. Allyn Brooks-LaSure  
Office of the Administrator  
U.S. Environmental Protection Agency  
Cell: **Personal Privacy**

From: Richard Windsor  
Sent: 08/24/2009 12:18 PM EDT  
To: Allyn Brooks-LaSure  
Subject: Re: Moving on From the UN Foundation. Contact Details and Job Description Attached.

Sorry.

From: Allyn Brooks-LaSure  
Sent: 08/24/2009 12:16 PM EDT  
To: Richard Windsor  
Subject: Re: Moving on From the UN Foundation. Contact Details and Job Description Attached.

In her job? Yeah, right.

MABL.  
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I am so proud of all we've accomplished; and I am very excited to work with the Foundation to help identify a new ED of Public Affairs. The job description is now live at our website (<http://www.unfoundation.org/about-unf/employment/executive-director.html>) and I have attached it here, for your convenience. If there people you would like to recommend, please feel free to send them my way.

The ideal candidate would be someone with political, agency and media experience. They should have a good sense of humor, the ability to think fast and execute faster, and think creatively about how to maximize the Foundation's brand. They should like to travel and have experience managing a strategic, integrated and multi-disciplinary team (earned, paid and social media).

I can't recommend a better place to work. I've been so lucky to work with a wonderful team (especially our chairman, Ted Turner; our President, Tim Wirth; and our COO, Kathy Bushkin Calvin) in support of the UN's work around the world. And I've gotten to do and see things that have led to a renewed sense of purpose and an even stronger belief in working for the greater good. I am also so grateful for the trust of the Foundation and the support of all of you over the last several years – thank you.

As for me, my last day at the Foundation will be September 30th.

**Personal Privacy**

## **Personal Privacy**

I am sure I will be calling on all of you again for your advice and support when I am the US, and back on the job market. Until then, I will be in contact with all of you via the various forms of modern communication including Skype, Facebook, a blog **Personal Privacy**, and even more traditional means such as postcards, letters and phone calls. All my details are included in the attached vCard and below.

All the best,

k

Katherine Miller

Executive Director, Communications & Public Affairs

UN Foundation

(o) 202.778.1622

(c) **Personal Privacy** Please note change in cell phone.

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**From:** CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US  
**Sent:** Mon 8/24/2009 6:33:38 PM  
**Subject:** Re:

will do

----- Original Message -----

From: Richard Windsor  
Sent: 08/24/2009 02:30 PM EDT  
To: Lisa Heinzerling  
Subject: Re:  
no - please hold

From: Lisa Heinzerling/DC/USEPA/US  
To: Richard Windsor/DC/USEPA/US@EPA  
Date: 08/24/2009 01:55 PM  
Subject:

In answer to your question from the other day, I haven't been able, subtly, to track down any relevant items under review at OMB. I could ask a direct question but don't want to unless you say so.

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** CN=Diane Thompson/OU=DC/O=USEPA/C=US@EPA[]  
**From:** CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US  
**Sent:** Mon 8/24/2009 8:56:53 PM  
**Subject:** Re: political deputy for OPEI

Am looking for strong manager for principal deputy spot.

From: Richard Windsor/DC/USEPA/US  
To: Lisa Heinzerling/DC/USEPA/US@EPA  
Cc: Diane Thompson/DC/USEPA/US@EPA  
Date: 08/24/2009 04:42 PM  
Subject: Re: political deputy for OPEI

His resume is awesome from a policy perspective but I thought you were looking for a strong manager to help you in that area. ??

From: Lisa Heinzerling/DC/USEPA/US  
To: Richard Windsor/DC/USEPA/US@EPA  
Cc: Diane Thompson/DC/USEPA/US@EPA, Marygrace Galston/DC/USEPA/US@EPA  
Date: 08/24/2009 12:53 PM  
Subject: political deputy for OPEI

Lisa,

I have a person in mind for the political deputy slot at OPEI. His name is Rob Verchick. He is a law professor in New Orleans. I've known him for quite a long time. He is smart, creative, personable, and kind. He has wide-ranging policy interests and would, I believe, be a breath of fresh air at OPEI. I'd like working with him. I have had preliminary discussions with him and am hopeful though not certain that he would accept the job if offered.

My hope for the political deputy slot is to find a person with broad policy expertise and interests, and a personality that will help OPEI be a truly constructive force within the agency. Rob is that kind of person.

I am attaching Rob's c.v. His on-line bio is at <<http://law.loyno.edu/faculty-staff/robert-r-m-verchick>>.

What do you think?

Best,  
Lisa

[attachment "Verchick CV EPA.doc" deleted by Richard Windsor/DC/USEPA/US]





# Personal Privacy

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# **Personal Privacy**

# Personal Privacy



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**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** []  
**From:** CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US  
**Sent:** Mon 8/24/2009 9:11:41 PM  
**Subject:** Re: political deputy for OPEI

# Deliberative

**From:** Richard Windsor/DC/USEPA/US  
**To:** Lisa Heinzerling/DC/USEPA/US@EPA  
**Date:** 08/24/2009 04:58 PM  
**Subject:** Re: political deputy for OPEI

You have 2 deputy slots to fill? **Deliberative**

----- Original Message -----

**From:** Lisa Heinzerling  
**Sent:** 08/24/2009 04:56 PM EDT  
**To:** Richard Windsor  
**Cc:** Diane Thompson  
**Subject:** Re: political deputy for OPEI  
Am looking for strong manager for principal deputy spot.

**From:** Richard Windsor/DC/USEPA/US  
**To:** Lisa Heinzerling/DC/USEPA/US@EPA  
**Cc:** Diane Thompson/DC/USEPA/US@EPA  
**Date:** 08/24/2009 04:42 PM  
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[attachment "Verchick CV EPA.doc" deleted by Richard Windsor/DC/USEPA/US]



**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** []  
**From:** CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US  
**Sent:** Mon 8/24/2009 9:23:01 PM  
**Subject:** Re: political deputy for OPEI

# Deliberative

**From:** Richard Windsor/DC/USEPA/US  
**To:** Lisa Heinzerling/DC/USEPA/US@EPA  
**Date:** 08/24/2009 05:20 PM  
**Subject:** Re: political deputy for OPEI

## Deliberative

----- Original Message -----

**From:** Lisa Heinzerling  
**Sent:** 08/24/2009 05:18 PM EDT  
**To:** Richard Windsor  
**Subject:** Re: political deputy for OPEI

## Deliberative

**From:** Richard Windsor/DC/USEPA/US  
**To:** Lisa Heinzerling/DC/USEPA/US@EPA  
**Date:** 08/24/2009 05:15 PM  
**Subject:** Re: political deputy for OPEI

## Deliberative

----- Original Message -----

**From:** Lisa Heinzerling  
**Sent:** 08/24/2009 05:11 PM EDT  
**To:** Richard Windsor  
**Subject:** Re: political deputy for OPEI

## Deliberative

## Deliberative

From: Richard Windsor/DC/USEPA/US  
To: Lisa Heinzerling/DC/USEPA/US@EPA  
Date: 08/24/2009 04:58 PM  
Subject: Re: political deputy for OPEI

You have 2 deputy slots to fill?

## Deliberative

----- Original Message -----

From: Lisa Heinzerling  
Sent: 08/24/2009 04:56 PM EDT  
To: Richard Windsor  
Cc: Diane Thompson  
Subject: Re: political deputy for OPEI  
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From: Richard Windsor/DC/USEPA/US  
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[attachment "Verchick CV EPA.doc" deleted by Richard Windsor/DC/USEPA/US]

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** []  
**From:** CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US  
**Sent:** Mon 8/24/2009 9:18:54 PM  
**Subject:** Re: political deputy for OPEI

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